



/2026

LICENSE REQUIREMENTS AND PROCEDURES FOR CYBERSECURITY & DUAL-USE PRODUCTS

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LICENSE REQUIREMENTS AND PROCEDURES FOR CYBERSECURITY & DUAL-USE PRODUCTS



The promulgation of Decree No. 332/2026/ND-CP and Decree No. 341/2026/ND-CP has established a stringent legal framework for Vietnam's information security technology market. In addition to strict requirements concerning technical personnel, facilities and the remaining investment term, enterprises engaged in the manufacture, distribution, export or import of cybersecurity equipment, products and services must assess whether their products qualify as dual-use products. Where a product incorporates both cybersecurity and civil cryptographic functions, the grant of a business license requires coordination between the two competent authorities. The Ministry of Public Security remains the principal licensing authority and will obtain the written opinion of the Government Cipher Committee during the licensing process.

A. LICENSE TO TRADE IN CYBERSECURITY PRODUCTS AND SERVICES

1. Scope of Application

Under Article 5 of Decree No. 332/2026/ND-CP, organizations and enterprises must obtain a License to Trade in Cybersecurity ("**CS**") Products and Services when trading in products or providing services falling within the scope of Articles 3 and 4 of the Decree.

A License to Trade in CS Products and Services is valid for **10 years**.

1.1. CS Products

The principal categories of CS products are as follows:

No.	Categories of CS Products	Description
1	CS inspection and assessment products	Hardware devices and software that incorporate, or are designed to integrate, functions for scanning, inspecting and analyzing the configuration, operating status and log data of information systems and electronic devices; detecting vulnerabilities and weaknesses; and assessing CS risks.

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No.	Categories of CS Products	Description
2	CS monitoring products	Hardware devices and software that incorporate, or are designed to integrate, functions for monitoring and analyzing data, network addresses and network traffic; collecting and analyzing log data in real time; and detecting and warning of abnormal events that may compromise CS.
3	Attack and intrusion prevention products	Hardware devices and software that incorporate, or are designed to integrate, functions for preventing attacks and intrusions into information systems.
4	Covert information collection products	Hardware devices and software that incorporate, or are designed to integrate, functions for preventing attacks and intrusions into information systems.
5	Network information suppression products	Specialized hardware devices and software used to block, inject, jam or disrupt wireless Internet transmissions within protected areas or in relation to protected targets.
6	Digital forensics and digital investigation products	Specialized hardware devices and software used to collect, extract, recover and analyze electronic data and to conduct digital examinations of electronic data sources.
7	Network system suppression products	Specialized hardware devices and software used to suppress or alter the operation of telecommunications networks, the Internet, computer networks, information systems, information processing and control systems, databases and electronic media.

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No.	Categories of CS Products	Description
8	IP address concealment products	Products that provide network connections between devices and cyberspace through remote servers for the purpose of concealing the devices' actual IP addresses in cyberspace.

1.2. CS Services

The principal categories of CS services are as follows:

No.	Categories of CS Services	Description
1	CS inspection and assessment services	Scanning, inspecting and analyzing the configuration, operating status and log data of information systems; detecting vulnerabilities and weaknesses; and assessing risks of CS compromise.
2	Information confidentiality services not using CCPs	Assisting users in maintaining the confidentiality of information and information systems without using civil cryptographic products.

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No.	Categories of CS Services	Description
3	CS consulting services	Providing consultancy, inspection, assessment, implementation, design and development support for solutions that ensure CS.
4	CS monitoring services	Monitoring and analyzing data traffic transmitted through information systems; collecting and analyzing log data in real time; and detecting and warning of abnormal events that may compromise CS.
5	CS incident response services	Promptly handling and remedying incidents that compromise the CS of information systems.
6	Data recovery services	Recovering data that has been deleted from, or damaged on, electronic devices or information systems.
7	Cyberattack prevention and response services	Preventing attacks and intrusions into information systems by monitoring, collecting and analyzing events occurring within such systems.
8	aCS protection connectivity platform services	Connecting experts and online communities to participate in CS and data security protection activities.

No.	Categories of CS Services	Description
9	CS protection training and exercise services	Providing network connections between devices and cyberspace through remote servers for the purpose of concealing the devices' actual IP addresses in cyberspace.
10	IP address concealment services in cyberspace	Providing network connections between devices and cyberspace through remote servers for the purpose of concealing the devices' actual IP addresses in cyberspace;
11	Vulnerability hunting and reporting services	Providing a platform through which security experts and the CS community may submit reports on vulnerabilities identified in the information systems of agencies, organizations and individuals.

2. Conditions for Obtaining a License to Trade in CS Products and Services

The Law on Cybersecurity and Decree No. 332/2026/ND-CP prescribe the conditions that enterprises must satisfy in order to obtain a license to trade in CS products and services, including conditions applicable to their representatives and technical personnel. Accordingly, an enterprise must satisfy the conditions set out in Article 6 and, depending on the proposed business activities, the corresponding conditions in Article 7 or Article 8 of Decree No. 332/2026/ND-CP.

2.1. General Conditions - Article 6 of Decree No. 332/2026/ND-CP

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Item	Condition
Enterprise	The enterprise must be duly established under Vietnamese law and must not have violated the regulations governing the trading of CS products and services. For a foreign-invested enterprise, its remaining investment term in Vietnam must exceed five years as from the date on which the License is granted.
Representative/manager/person authorized by the legal representative or manager	• The person must not fall within any of the circumstances specified at Point a, Clause 2, Article 6, including: (i) being a Vietnamese citizen subject to criminal charges, investigation, prosecution or trial, or having an unexpunged conviction for an offense against national security or another intentional offense; (ii) having imprisonment deferred; (iii) being subject to court-imposed probation, residence prohibition, prohibition from holding a position, or prohibition from conducting a conditional security and public order business; (iv) being subject to an education measure at the commune, ward or special-zone level; or (v) having execution of a decision on placement in a compulsory education establishment or compulsory rehabilitation center deferred or temporarily suspended. • An overseas Vietnamese holding a foreign passport, and any foreign national, must be authorized by a competent Vietnamese authority to reside and work in Vietnam.
Technical personnel	The enterprise must have personnel responsible for technical matters who are appropriate to the relevant line of business and who hold at least a university degree or a professional certificate in CS, information security, information technology, or electronics and telecommunications.

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Item	Condition
Physical and technical facilities	The enterprise must have equipment systems, physical facilities and technologies suitable for the registered activities and categories of products and services.

2.2. Conditions Applicable to the Purchase, Sale, Exchange, Import and Export of CS Products - Article 7 of Decree No. 332/2026/ND-CP

In addition to satisfying the conditions set out in Article 6, organizations and enterprises that manufacture, purchase, sell, exchange, import or export CS products must satisfy the following conditions:

- The types and scale of products must be consistent with the strategy for development of the CS industry;
- A suitable business plan must be in place, specifying the purpose of importation; the scope of, and intended recipients for, product supply; applicable standards and technical regulations; and the products' principal technical functions;
- Appropriate instruments and equipment must be available to inspect and monitor technical parameters for the purposes of product quality control during manufacture, thereby ensuring conformity with the standards and technical regulations on CS protection;
- For covert information collection, network information suppression, digital forensics/investigation, and network system suppression products, only organizations or enterprises under the Ministry of Public Security or Ministry of National Defence, or those contracted by competent authorities of these ministries, may purchase, sell, exchange, import or export such products for national security purposes.
- Any export or import must have a clearly identified purpose and end user, together with an undertaking that it will not prejudice national security.

2.3. Conditions Applicable to the Provision of CS Services - Article 8 of Decree No. 332/2026/ND-CP

In addition to satisfying the conditions set out in Article 6, an enterprise providing CS services must satisfy the following conditions:

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Item	Additional Condition
CS inspection and assessment services/CS consulting services	At least five technical personnel who reside in Vietnam and hold at least a university degree or a certificate in CS; the legal representative must be a Vietnamese national.
CS monitoring services	At least 12 personnel who hold at least a university degree or a certificate in CS; personnel responsible for system administration and information security; and a legal representative who is a Vietnamese national.
General technical and business requirements	A technical plan and a contingency plan must be in place, together with an overall description of the technical functions and operating procedures of the monitoring system, a business plan, and measures to ensure the confidentiality of customer information and the quality of services.

3. Application Dossier for a License to Trade in CS Products and Services

Under Clause 2, Article 9 of Decree No. 332/2026/ND-CP, the application dossier must comprise:

- (i) A written application for the License, using Form No. 03 in Appendix I[1];
- (ii) CV and identification documents of the legal representative and manager, where information is unavailable from the information system, including ID card/Citizen ID/passport and valid residence documents in Vietnam, together with the organization’s personnel declaration using Forms No. 05 and 06, Appendix I.
- (iii) Degrees, certificates or equivalent documents evidencing satisfaction of the personnel requirements;
- (iv) An explanatory document detailing the equipment, facilities and technologies suitable for the registered activities and products/services.

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The application must be prepared as one original dossier in Vietnamese and submitted to the Ministry of Public Security in person, by post or through the online public service portal. If submitted in person or by post, the dossier must bear all required signatures and certification seals; any document prepared by an organization, enterprise or individual that comprises two or more sheets must bear a cross-page seal. If submitted online, the enterprise must digitally sign the dossier.

4. Procedure for Obtaining a License to Trade in CS Products and Services

Step 1: Submit the application dossier to the Ministry of Public Security in person, by post or through the online public service portal.

Step 2: Within three working days after receipt of the dossier, the receiving authority must review the dossier and notify the applicant whether it is valid.

- If the dossier is valid, the receiving authority must confirm its acceptance and processing;
- If the dossier requires supplementation, the receiving authority must notify the enterprise of the items to be supplemented. The enterprise has 10 working days after receipt of the notice to complete the dossier;
- If the dossier is invalid, the receiving authority must refuse to accept it and state the reasons for the refusal.

Step 3: Within 28 working days after receipt of a complete and valid dossier, the Ministry of Public Security must appraise the dossier and grant the License if the enterprise satisfies all applicable conditions.

If the enterprise fails to meet the applicable conditions, the Ministry of Public Security must issue a written refusal stating the reasons.

5. Processing Time

Under Article 9 of Decree No. 332/2026/ND-CP:

- Three working days are allowed for reviewing the dossier and notifying the applicant whether it is valid;
- If supplementation is requested, the enterprise has 10 working days to supplement the dossier;
- The Ministry of Public Security has 28 working days after receipt of a complete and valid dossier to appraise the dossier and grant the License.

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B. LICENSE TO EXPORT AND IMPORT CS PRODUCTS

1. Scope of Application

Under Clause 1, Article 13 of Decree No. 332/2026/ND-CP, an organization or enterprise exporting or importing a CS product included in the List of CS Products Subject to Export or Import Licensing in Appendix II must obtain a License to Export and Import CS Products from the Ministry of Public Security

A License to Export and Import CS Products is valid for two years and is granted for each export or import shipment. The new regulations provide for licensing on a shipment-by-shipment basis; enterprises must therefore plan their export and import activities and the expected implementation schedule for specific inclusion in the license application dossier. Whether an enterprise remains authorized to export or import will not depend solely on the remaining term of its License, but also on whether the shipments covered by the License have actually been exported or imported. An enterprise may export or import only the approved number of shipments and only while the License remains valid.

2. Conditions for Obtaining a License to Export and Import CS Products

Under Clause 2, Article 13 of Decree No. 332/2026/ND-CP, an enterprise must satisfy the following conditions:

- It must hold a valid License to Trade in CS Products and Services that expressly authorizes the enterprise to trade in, export and import products;
- An imported product must comply with international standards or Vietnamese standards applicable to the CS sector in accordance with the laws on standards and technical regulations;
- The purpose and intended users of the product must be clearly identified, and the product must not prejudice national security..

3. Application Dossier for a License to Export and Import CS Products

Under Clause 3, Article 13 of Decree No. 332/2026/ND-CP, the application dossier must comprise:

- (i) A written application for a License to Export and Import CS Products, using Form No. 04 in Appendix I;

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- (ii) Documents certifying compliance with international standards or Vietnamese standards applicable to the CS sector;
- (ii) Documents evidencing the purpose of importation and the intended users, such as:
 - A commercial contract with the end user;
 - Documents evidencing that the import is for research purposes;
 - Documents evidencing that the import is for warranty purposes.

4. Procedure for Obtaining a License to Export and Import CS Products

Step 1: The enterprise prepares one application dossier and submits it to the Ministry of Public Security in person, by post or through the online public service portal.

Step 2: Within **three working days** after receipt of the dossier, the Ministry of Public Security must review its validity in accordance with Clause 4, Article 9. If supplementation is required, the enterprise must supplement the dossier as notified by the receiving authority.

Step 3: Within **five working days** after receipt of a valid dossier, the Ministry of Public Security must consider and grant the License to Export and Import CS Products.

If the License is not granted, the Ministry of Public Security must issue a written notice stating the reasons for the refusal.

5. Processing Time

Under Clauses 6 and 7, Article 13 of Decree No. 332/2026/ND-CP:

- Three working days are allowed for reviewing the dossier and notifying the applicant whether it is valid;
- Within five working days from validation of the dossier, the Ministry of Public Security shall grant the License or issue a reasoned refusal.

Accordingly, the statutory processing time is five working days from the date the dossier is deemed valid, excluding any time required for preparation or supplementation

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C. DUAL-USE PRODUCTS INCORPORATING CIVIL CRYPTOGRAPHIC AND CYBERSECURITY FUNCTIONS

1. Scope of Application

Under Clause 5, Article 4 and Clause 4, Article 9 of Decree No. 341/2026/ND-CP, a dual-use product is a product that incorporates both civil cryptographic and cybersecurity functions.

For dual-use products:

- The Ministry of Public Security grants the License to Trade in CS Products and Services and the License to Export and Import CS Products;
- Before granting a License, the Ministry of Public Security must obtain the written opinion of the Government Cipher Committee regarding the product's civil cryptographic functions;
- A dual-use product incorporating civil cryptographic functions must comply with the standards and technical regulations applicable to civil cryptography

2. Conditions

For a dual-use product, an enterprise must satisfy:

- The conditions for obtaining a License to Trade in CS Products and Services under Decree No. 332/2026/ND-CP;
- For export and import activities, the conditions for obtaining a License to Export and Import CS Products under Decree No. 332/2026/ND-CP;
- The standards and technical regulations applicable to civil cryptography under Decree No. 341/2026/ND-CP, where the product incorporates civil cryptographic functions.

3. Application Dossier

An application dossier for a License to Trade in CS Products and Services or a License to Export and Import CS Products must be prepared in accordance with Decree No. 332/2026/ND-CP.

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For a dual-use product, the enterprise must provide the documents necessary to identify and assess the product's civil cryptographic functions, as required by the licensing authority.

4. Procedure

Step 1: The enterprise prepares an application dossier for a License to Trade in CS Products and Services or a License to Export and Import CS Products, as applicable.

Step 2: The Ministry of Public Security receives, reviews and appraises the dossier in accordance with Decree No. 332/2026/ND-CP.

Step 3: Before granting the License, the Ministry of Public Security must obtain the written opinion of the Government Cipher Committee regarding the product's civil cryptographic functions.

Step 4: Based on the application dossier and the opinion of the Government Cipher Committee, the Ministry of Public Security considers and grants the License in accordance with law.

5. Processing Time

The processing time applicable to each type of License is governed by Decree No. 332/2026/ND-CP.

For a dual-use product, the actual processing time may depend on the time required to obtain the Government Cipher Committee's opinion regarding the product's civil cryptographic functions.

Compliance with Decree No. 332/2026/ND-CP requires careful preparation of technical personnel, infrastructure, and technical/business plans from the pre-feasibility stage. The key issue is correctly classifying products as specialized cybersecurity, civil cryptographic, or dual-use products and identifying the competent authority. Proactively reviewing equipment, software functions, and legal dossiers is essential to avoid licensing delays and maintain supply chain continuity.

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CYBERSECURITY LICENSING AND ADVISORY SERVICES AT CDLAF LAW FIRM

Drawing on extensive experience in technology, data and conditional sector-specific licensing, CDLAF assists domestic and foreign-invested technology enterprises in comprehensively addressing legal and regulatory barriers:

- **Portfolio Review & Classification:** *We assess the technical functions of equipment and software to identify the competent licensing authority accurately (the Ministry of Public Security, the Government Cipher Committee, or the inter-agency mechanism applicable to dual-use products).*
- **Business License Readiness (10-year term):** *We advise on technical personnel structures and finalize business plans, technical plans and dossiers demonstrating technological infrastructure capacity in accordance with Appendix I to Decree No. 332/2026/ND-CP.*
- **Export and Import Licensing (shipment-specific):** *We prepare application dossiers, explain the intended use, and represent clients in dealings with competent authorities to support timely customs clearance.*
- **Representation and Explanations:** *We submit application dossiers, monitor appraisal progress, provide technical explanations and collect licensing results from the Department of Cybersecurity and High-Tech Crime Prevention under the Ministry of Public Security.*

CDLAF LAW FIRM

✉ **Contact CDLAF's dedicated legal team now for a dossier review and an assessment of the optimal licensing approach:**

- **Hotline/Zalo:** 090 966 82 16
- **Email:** info@cdlaf.vn



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