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| **THE NATIONAL ASSEMBLY  Law No. 50/2005/QH11** | **THE SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom - Happiness** |

**THE NATIONAL ASSEMBLY OF THE SOCIALIST REPUBLIC OF VIETNAM  
LEGISLATURE XI, SESSION 8  
INTELLECTUAL PROPERTY LAW**

***LUẬT SỞ HỮU TRÍ TUỆ****Pursuant to the Constitution 1992 of the Socialist Republic of Vietnam as amended and  
supplemented by the Resolution No. 51, 2001, QH10 of the 10th Section of the 10th National  
Assembly dated 25 December, 2001;  
This Law stipulates intellectual property rights.***PART ONE  
GENERAL PROVISIONS  
Article 1. Scope of regulation/Phạm vi điều chỉnh**This Law stipulates copyright, copyright - related rights; industrial property rights; rights in  
plant varieties and for the protection of these rights.

Luật này quy định về quyền tác giả, quyền liên quan đến quyền tác giả; quyền sở hữu công nghiệp; quyền đối với giống cây trồng và việc bảo hộ các quyền đó.  
**Article 2. Applicable subjects/ Đối tượng áp dụng**This Law applies to Vietnamese organizations and individuals, foreign organizations and  
individuals that satisfy the requirements stipulated in this Law and international treaties to  
which the Socialist Republic of Vietnam is party.

Luật này áp dụng đối với tổ chức, cá nhân Việt Nam, tổ chức, cá nhân nước ngoài đáp ứng các điều kiện quy định tại Luật này và các Điều ước quốc tế mà Cộng hoà xã hội chủ nghĩa Việt Nam là thành viên.  
**Article 3. Objects of intellectual property rights/ Đối tượng quyền sở hữu trí tuệ**1. Objects of copyright include literary, artistic and scientific works; objects of copyright -  
related rights include performances, sound recordings, video recordings; broadcasting  
programs; satellite signals carrying encrypted program.

*1.Đối tượng của quyền tác giả bao gồm các tác phẩm văn học, nghệ thuật, khoa học; đối tượng của các quyền liên quan đến quyền tác giả bao gồm cuộc biểu diễn, bản ghi âm, ghi hình, chương trình phát song, tín hiệu vệ tinh mang chương trình được mã hoá.*  
2. Objects of industrial property rights include inventions; industrial designs; layout-designs  
of semi-conductor integrated circuits; business secrets; trademarks; trade names and  
geographical indications.

*2.Đối tượng của quyền sở hữu công nghiệp bao gồm sáng chế, kiểu dáng công nghiệp, thiết kế bố trí mạch tích hợp bán dẫn, bí mật kinh doanh, nhãn hiệu, tên thương mại và chỉ dẫn địa lý.*  
3. Objects of rights to plant varieties are plant varieties and its propagating materials.

*3.Đối tượng của quyền đối với giống cây trồng là giống cây trồng và vật liệu nhân giống.*  
**Article 4. Interpretation of terminologies/giải thích từ ngữ**In this Law, the following terminologies shall be understood as follows:

*Trong Luật này, các từ ngữ dưới đây được hiểu như sau:*  
1. *Intellectual property rights* are the rights of organizations, individuals to their intellectual  
property, including copyrights and copyright - related rights, industrial property rights  
and rights to plant varieties.

*1.Quyền sở hữu trí tuệ là quyền của tổ chức, cá nhân đối với tài sản trí tuệ, bao gồm quyền tác giả và quyền liên quan đến quyền tác giả, quyền sở hữu công nghiệp và quyền đối với giống cây trồng.*  
2. *Copyrights* are the rights of organizations, individuals to works created or owned by  
them.  
*2.Quyền tác giả là quyền của tổ chức, cá nhân đối với tác phẩm do mình sáng tạo ra hoặc sở hữu.*  
3. *Copyright - related rights* (hereinafter referred to as related rights) are the rights of  
organizations, individuals to performances, phonograms, broadcasting programs, satellite  
signals carrying encrypted program.

*3. Quyền liên quan đến quyền tác giả(sau đây gọi là quyền liên quan) là quyền của tổ chức, cá nhân đối với cuộc biểu diễn, bản ghi âm, ghi hình, chương trình phát song và tín hiệu vệ tinh mang chương trình được mã hoá.*  
4. *Industrial property rights* are the rights of organizations, individuals to inventions;  
industrial designs; layout-designs of semi-conductor integrated circuits; trademarks; trade  
names, geographical indications, business secrets created or owned by them and rights to  
repression of unfair competition.

*4.Quyền sở hữu công nghiệp là quyền của tổ chức, cá nhân đối với sáng chế, kiểu dáng công nghiệp, thiết kế bố trí mạch tích hợp bán dẫn, nhãn hiệu, tên thương mại, chỉ dẫn địa lý, bí mật kinh doanh do mình sáng tạo ra hoặc sở hữu, và quyền chống cạnh tranh không lành mạnh.*  
5. *Rights to plant varieties* are the rights of organizations, individuals to the new plant  
varieties which are created or discovered and developed by and fall under the ownership  
right of such organization or individuals.

*5.Quyền đối với giống cây trồng là quyền của tổ chức, cá nhân đối với giống cây trồng mới do mình chọn tạo hoặc phát hiện và phát triển hoặc được hưởng quyền sở hữu của tổ chức hoặc á nhân.*  
6. *Intellectual property right holder* is the owner of the intellectual property right or an  
organization, individual that is assigned the right by the owner.

*6. Chủ thể quyền sở hữu trí tuệ là chủ sở hữu quyền sở hữu trí tuệ hoặc tổ chức, cá nhân được chủ sở hữu quyền giao quyền sở hữu trí tuệ.*  
7. Wo*rk* is every production created in the literary, artistic and scientific domain, whatever  
may be the mode or form of its expression.

*7. Tác phẩm là sản phẩm sáng tạo trong lĩnh vực văn học, nghệ thuật và khoa học thể hiện bằng bất kỳ phương tiện hay hình thức nào.*  
8. *Derivative work* is a work translated from one language to another, adapted, modified,  
transformed, compiled, annotated and selected work.

*8.Tác phẩm phái sinh là tác phẩm được dịch từ ngôn ngữ này sang ngôn ngữ khác, tác phẩm phóng tác, cải biên, chuyển thể, biên soạn, chú giải và tuyển chọn.*  
9. *Published work, phonogram* is a work or a phonogram already released with consent of  
copyright owner, related right owner for the purpose of being disseminated to the public  
with a reasonable amount of copies.

*9. Tác phẩn, bản ghi âm, ghi hình đã công bố là tác phẩm, bản ghi âm, ghi hình đã được phát hành với sự đồng ý của chủ sở hữu quyền tác giả, chủ sở hữu quyền liên quan để phổ biến đến công chúng vớ một số lượng bản sao hợp lý.*   
10. To *reproduce* means the making of one or more copies of a work or a phonogram in  
whatever mode or form, including permanent or provisional backup of the work in  
electronic form.

*10. Sao chép là việc tạo ra một hoặc nhiều bản sao của tác phẩm hoặc bản ghi âm ghi hình bằng bất kỳ phương tiện hay hình thức nào, bao gồm cả việc lưu trữ thường xuyên hoặc tạm thời tác tẩm dưới hình thức điện tử.*  
11. *Broadcasting* means the transmission by wire or wireless means, including through the  
satellite, of sounds or images and sounds of a work, a performance, a phonogram or a  
broadcasting program to the public for its reception at a place or at a time select by them.

*11. Phát sóng là việc truyền âm thanh hoặc hình ảnh hoặc cả âm thanh và hình ảnh của tác phẩm, cuộc biểu diễn, bản ghi âm, ghi hình hoặc chương trình phát sóng đến công chúng bằng phương tiện vô tuyến hoặc hữu tuyến, bao gồm cả việc truyền qua vệ tinh để công chúng có thể tiếp nhận được tại thời điểm và thời gian do chính họ lựa chọn.*  
12. *Invention* is a technical solution, in form of a product or a process, to resolve a specific  
problem by utilizing laws of nature.

*12.Sáng chế là giải pháp kỹ thuật dưới dạng sản phảm hoặc quy trình nhằm giải quyết một vấn đề xác định bằng việc ứng dụng các quy luật tự nhiên.*  
13. *Industrial design* is appearance of a product expressed in shapes, lines, dimensions,  
colors or any combination thereof.

*13. Kiểu dáng công nghiệp là hình dáng bên ngoài của sản phẩm được thể hiện bằng hình khối, đường nét, màu sắc hoặc sự kết hợp những yếu tố này.*  
14. *Semiconductor integrated circuit* is a product, in its final form or an intermediate form, in  
which the elements, at least one of which is an active element, and some or all of the  
interconnections are integrally formed in or on a piece of semiconductor material and  
which is intended to perform an electronic function. "Integrated circuit" is synonymous  
with "IC", "chip" and "microelectronic circuit".

*14. Mạch tích hợp bán dẫn là sản phẩm dưới dạng thành phẩm hoặc bán thành phẩm, trong đó các phần tử tích cực và một hoặc tất cả các mối liên kết được gắn liền bên trong hoặc bên trên tấm vật liệu bán dẫn nhằm thực hiện chức năng điện tử. Mạch tích hợp đồng nghĩa với IC, chip và mạch điện tử.*  
15. *Layout-design of a semiconductor integrated circuit* (hereinafter referred to as "layoutdesign") is a three-dimensional disposition of circuitry elements and interconnections of  
such elements in a semiconductor integrated circuit.

*15. Thiết kế bố trí mạch tích hợp bán dẫn (sau đây gọi là thiết kế bố trí) là cấu trúc không gian của các phần tử mạch và mối liên kết các phần tử đó trong mạch tích hợp bán dẫn.*  
16. *Trademark* is any sign used to distinguish goods or services of different organizations and  
individuals.

*16. Nhãn hiệu là dấu hiệu dung để phân biệt hàng hoá, dịch vụ của các tổ chức. cá nhân khác nhau.*  
17. *Collective mark* is a mark used to distinguish goods or services of members from those of  
non-members of an organization that is the owner of the mark.

*17. Nhãn hiệu tập thể là nhãn hiệu dung để phân biệt hàng hoá, dịch vụ của các thành viên của tổ chức là chủ sở hữu nhãn hiệu đó với hàng hoá, dịch vụ của tổ chức, cá nhân không phải là thành viên của tổ chức đó.*  
18. *Certification mark* is a mark licensed by its owner to other organizations, individuals to  
use for their goods or services in order to certify characteristics in respect of origin,  
materials, raw materials and methods of goods production or methods of services supply,  
quality, accuracy, safety or other characteristics of such goods or services.

*18. Nhãn hiệu chứng nhận là nhãn hiệu mà chủ sở hữu nhãn hiệu cho phép tổ chức, cá nhân khác sử dụng trên hàng hoá, dịch vụ của tổ chức, cá nhân đó để chứng nhận các đặc tính về xuất xứ, nguyên liệu, vật liệu, cách thức sản xuất hàng hoá, cách thức cung cấp dịch vụ, chất lượng, độ chính xác, độ an toàn hoặc đặc tính khác của hàng hoá, dịch vụ mang nhãn hiệu.*  
19. *Associated marks* are marks that are registered by the same owner, identical or similar to  
each other and are used for identical or similar or inter-related goods and services.

*19. Nhãn hiệu liên kết là nhãn hiệu do cùng một chủ thể đăng ký, trùng hoặc tương tự nhau dung cho sản phẩm, dịch vụ cùng loại hoặc tương tự nhau hoặc có liên quan đến nhau.*  
20. *Well-known mark* is a mark widely known throughout territory of Vietnam.

*20. Nhãn hiệu nổi tiếng là nhãn hiệu được người tiêu dung biết đến rộng rãi trên toàn lãnh thổ Việt Nam.*  
21. *Trade name* is a designation of an organization or individual used in business to  
distinguish the business entity bearing such designation from other business entities  
acting in the same field and area of business.  
The area of business stipulated in this paragraph shall be the geographical area where  
business entity has business partners, clients or reputation.

*21. Tên thương mại là tên gọi của tổ chức, cá nhân dung tỏng hoạt động kinh doanh để phân biệt chủ thể kinh doanh mang tên gọi đó với chủ thể kinh doanhh khác trong cùng lĩnh vực và khu vực kinh doanh.*

*Khu vực kinh doanh quy định tại khoản này là khu vực địa lý nơi chủ thể kinh doanh có bạn hàng, khách hàng hoặc có danh tiếng.*  
22. *Geographical indication* is a sign used to indicate a product originating from a specific  
area, locality, region or country.

*22. Chỉ dẫn địa lý là dấu hiệu dung để chỉ sản phẩm có nguồn gốc từ khu vực, địa phương, vùng lãnh thổ quốc gia cụ thể.*  
23. *Business secret* is information obtained from financial, intellectual investment which is  
undisclosed and susceptible to application in business.

*23.Bí mật kinh doanh là thông tin thu được từ hoạt động đầu tư tài chính, trí tuệ, chưa được bốc lộ và có khả năng sử dụng trong kinh doanh.*  
24. *Plant variety* is a plant grouping within a single botanical taxon of the lowest known  
rank, uniform of morphological, stability in the propagation circle, which can be  
distinguished by the phenotype expressed by a genotype or the combination of genotypes  
and distinguished from other plant grouping in at least one genetic phenotype.

*24. Giống cây trồng là quần thể cây trồng thuộc cùng một cấp phân loại thực vật thấp nhất, đồng nhất về hinh thái, ổn định qua các chu kỳ nhân giống, có thể nhận biết bằng sự biểu hiện các tính trạng do kiểu gen hoặc sự phối hợp của các kiểu gen quy định và phân biệt được với bất kỳ quần thể cây trồng nào khác bằng sự biểu hiện của ít nhất một tính trạng có khả năng di truyền được.*  
25. *Protection title* is a document granted by a State authority to an organization, individual  
to establish industrial property rights to inventions, industrial designs, layout designs,  
marks, geographical indications; and rights to plant varieties.

*25. Văn bằng bảo hộ là văn bản do cơ quan nhà nước có thẩm quyền cấp cho tổ chức, cá nhân nhằm xác lập quyền sở hữu công nghiệp đối với sáng chế, kiểu dáng công nghiệp, nhãn hiệu, chỉ dẫn địa lý; quyền đối với giống cây trồng.*  
**Article 5. Application of laws/Áp dụng luật**1. Where there are intellectual property related civil issues not being stipulated in this Law,  
the provisions of Civil Code shall be applied.

*1. Trong trường hợp có những vấn đề dân sự liên quan đến sở hữu trí tuệ không được quy định trong luật này thì áp dụng quy định của Bộ Luật dân sự.*  
2. Where there is any difference between provisions on intellectual property rights of this  
Law and those of other laws, the former shall be applied.

*2. Trong trường hợp có sự khác nhau giữa quy định về sở hữu trí tuệ của luật này thì áp dụng quy định của Luật này.*  
3. Where the provisions of the international treaties to which the Socialist Republic of  
Vietnam is party contravene the provisions of this Law, the former shall be applied.

*3.Trong trường hợp điều ước quốc tế mà Cộng hoà xã hội chỉ nghĩa Việt Nam là thành viên có quy định khác với quy định của luật này thì áp dụng quy định của điều ước quốc tế đó.*

**Article 6. Basis of appearance, establishment of intellectual property rights/ Căn cứ phát sinh, xác lập quyền sở hữu trí tuệ**1. Copyrights shall arise at the moment when a work is created and expressed in a certain  
material form regardless of its content, quality, form, mean, language, whether or not it  
has been published or registered.

*1.Quyền tác giả phát sinh kể từ khi tác phẩn được sáng tạo và được thể hiện dưới một hình thức vật chất nhất định, không phân biệt nội dung, chất lượng, hình thức, phương tiện, ngôn ngữ, đã công bố hay chưa công bố, đã đăng ký hay chưa đăng ký.*  
2. Related rights shall arise at the moment when a performance, a phonogram, a broadcast  
program and a satellite signal carrying encrypted program is fixed without prejudice to  
copyrights.

*2. Quyền liên quan phát sinh kể từ khi cuộc biểu diễn, bản ghi âm ghi hình, chương trình phát sóng, tín hiệu vệ tinh mang chương trình được mã hoá được định hình hoặc thực hiện mà không gây phương hại đến quyền tác giả.*  
  
3. Intellectual property rights shall be established as follows:

*Quyền sở hữu trí tuệ được xác lập như sau:*  
a) Industrial property rights in inventions, industrial designs, layout-designs, marks,  
geographical indications shall be established on the basis of the competent state  
authority’s decision on the grant of Protection Title in accordance with registration  
procedures stipulated in this Law or on the recognition of international registration  
under international treaties to which the Socialist Republic of Vietnam is party; in  
terms of for well-known marks, the ownership rights shall be established on the basis  
of use independently from registration procedures.  
b) Industrial property rights to trade names shall be established on the basis of lawful  
use of the trade names.  
c) Industrial property rights in business secrets shall be established on the basis of legal  
acquirement and secret keeping of the business secrets;  
d) Right to repression of unfair competition shall be established on the basis of  
competition in business.  
4. Rights to new plant varieties shall be established on the basis of the competent state  
authority’s decision on the grant of Plant Variety Protection Title in accordance with  
registration procedures stipulated in this Law.  
**Article 7. Restrictions of intellectual property rights**1. Intellectual property rights owner is allowed to implement his or her right within the  
scope and the term of protection stipulated in this Law.  
2. The exercise of intellectual property rights shall not infringe upon interests of the state,  
the public or legitimate rights and interests of other organizations, individuals and shall  
not violate other applicable provisions of relevant law.  
3. In circumstances in order to ensure the objectives of national defense, security, people  
living and other interests of the nation and society as referred to in this Law, the State has  
the right to prohibit or limit the intellectual property right holders from or to the exercise  
of their rights or compel them to license other organizations, individuals to use one or  
more of their rights subject to appropriate conditions.  
**Article 8. State policies on intellectual property rights**1. To recognize and protect the intellectual property rights of organizations and individuals  
on the basis of ensuring the equal benefits of intellectual property rights holders and the  
public interest; not to protect the intellectual property objects which are contrary to the  
social morality, public order or harmful to national defense and security.  
2. To encourage and promote creation activities, exploitation intellectual property assets to  
contribute to the socio-economic development and to improve people’s material and  
spiritual life.  
3. To provide financial assistance to assignment, exploitation intellectual property rights for  
the public interests; to encourage national and foreign organizations, individuals in  
financing creation activities and intellectual property rights protection.  
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4. To give priority to investment in training, improving officials, civil servants, related  
people in the field of intellectual property rights protection and research, application of  
science and technologies for intellectual property rights protection.  
**Article 9. Rights and responsibilities of organizations, individuals in protection of  
intellectual property rights**Any organizations, individuals shall have the rights and responsibilities to take appropriate  
measures permitted by law in order to protect their own intellectual property rights and must  
respect intellectual property rights of others in accordance with this Law and other applicable  
provisions of law.  
**Article 10. Contents of the state administration of intellectual property**1. Formulation and direction of the implementation of strategies of and policies on  
intellectual property rights protection;  
2. Promulgation and organization of the implementation of legal instruments on intellectual  
property;  
3. Organization of the intellectual property administration mechanism; train and foster a  
line-up of IP officers  
4. Grant and implementation of other procedures concerning to Copyright Registration  
Certificates, Related right Registration Certificates, Protection Titles of Industrial  
Property Objects, Plant Variety Protection Titles;  
5. Inspection and control the observance of intellectual property legislation; resolution  
appeals and denunciations; and dealing with breaches in respect of intellectual property  
legislation;  
6. Organization activities of the information and statistics on intellectual property;  
7. Organization and management of intellectual property assessment activities;  
8. Education, propagation, popularization of knowledge of and law on intellectual property;  
9. International cooperation on intellectual property.  
**Article 11. Responsibilities of the state administration of intellectual property**1. The Government shall exercises centrally the state administration of intellectual property.  
2. Ministry of Science and Technology shall be responsible to the Government for taking  
lead and coordinating with Ministry of Culture and Information, Ministry of Agriculture  
and Rural Development in the carrying out of state administration of intellectual property  
and carry out the state administration of industrial property rights.  
The Ministry of Culture and Information, within its responsibility and competence, shall  
carry out state administration of copyrights and related rights.  
The Ministry of Agriculture and Rural Development, within its responsibility and  
competence, shall carry out State administration of rights in plant varieties.  
3. Ministries, authorities of ministerial-level or subordinated to the Government, within its  
responsibility and competence, shall be responsible for coordinating with the Ministry of  
Science and Technology, the Ministry of Culture and Information, the Ministry of  
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Agriculture and Rural Development and the People’s Committee of provinces, cities  
under the central government in carrying out state administration of intellectual property.  
4. The People’s Committee at all level shall carry out State administration of intellectual  
property at the local areas within its competence.  
5. The Government shall regulate on competence and responsibility for state administration  
of intellectual property of the Ministry of Science and Technology, the Ministry of  
Culture and Information, the Ministry of Agriculture and Rural Development and the  
People’s Committee at all level.  
**Article 12. Intellectual property fees and charges**Organizations and individuals must pay fees and charges when conducting intellectual  
property related procedures in accordance with this Law and other provisions of relevant  
legislation.  
**PART TWO  
COPYRIGHTS AND RELATED RIGHTS  
Chapter I  
PROTECTION CONDITIONS OF COPYRIGHTS AND RELATED RIGHTS  
Section 1. Protection conditions of copyrights  
Article 13. Authors, owners of copyright having copyrighted works**1. Organization and individual having protected copyrights include persons who have  
directly created the work and copyrights owners stipulated from Article 37 to Article 42  
of this Law.  
2. Authors and owners of copyrights stipulated in paragraph 1 of this Article include  
Vietnamese organizations, individuals; foreign organizations, individuals of which works  
firstly published in Vietnam and has not been published in any foreign country or  
simultaneously published in Vietnam in a duration of 30 days from its first publication in  
other nations; Foreign organizations, individuals of which works eligible for protection in  
Vietnam in accordance with international treaties to which the Socialist Republic of  
Vietnam is party.  
**Article 14. Forms of protected works**1. Literary, artistic and scientific works protected including:  
a) Literary and scientific works, textbooks, teaching materials, and other works  
expressed in forms of letters or other writing characters;  
b) Lectures, presentations and other speeches;  
c) Journalistic works;  
d) Musical works;

|  |  |
| --- | --- |
| d’)  e) | Dramatic works; Cinematographic works and works created by similar methods (hereinafter referred to as cinematographic works); |

g) Fine art works and applied art works;  
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h) Photographic works;  
i) Architectural works;  
k) Graphics, sketches, maps, drawings relevant to topography and scientific works;  
l) Folk artistic and literary works.  
m) Computer programs and compilations of data  
2. Derivative works shall only be protected according to paragraph 1 of this Article if they  
do not infringe the copyrights in respect of the works used to make derivative works.  
3. Protected works stipulated in paragraphs 1 and 2 of this Article must be created directly  
by author’s intelligence without reproducing others’ works.  
4. The Government sets out guidelines in details forms of protected works as stipulated in  
paragraph 1 of this Article.  
**Article 15. Subject matter excluded from copyrights protection**1. Information just for the purposes of communication;  
2. Legal normative documents, administrative documents, other documents in the judicial  
sector and the official translation thereof.  
3. Processes, systems, method of operation, definitions, principles and statistics.  
**Section 2. Conditions of protection of related rights  
Article 16. Protected organizations, individuals of related rights**1. Actors, singers, musicians, dancers and others who perform literary and artistic works  
(hereinafter referred to as performers);  
2. Organizations, individuals that are owners of the performances stipulated in Article 44.1  
of this Law.  
3. Organizations, individuals that make fixation of sounds, images of a performance for the  
first time or other sounds and images (hereinafter referred to as producers of  
phonograms).  
4. Organizations that take the initiative of and carry out the broadcast (hereinafter referred to  
as broadcasting organizations).  
**Article 17. Subject matters of related rights protection**1. A performance shall be protected if it is one of the following cases:  
a) Performance of Vietnamese citizens performed in Vietnam or abroad;  
b) Performance of foreigners performed in Vietnam;  
c) Performance fixed on a phonogram that is protected in accordance with Article 30  
of this Law;  
d) Performance that has not been fixed on a phonogram but is broadcasted and such  
broadcast are protected in accordance with Article 31 of this Law;  
d’) Performance protected in accordance with international treaties to which the  
Socialist Republic of Vietnam is party.  
2. A phonogram shall be protected if it is one of the following cases:  
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a) Phonogram of producer who is with Vietnamese nationality;  
b) Phonogram of the producer protected in accordance with international treaties to  
which the Socialist Republic of Vietnam is party.  
3. A broadcast, a satellite signal carrying encrypted program shall be protected if it is one of  
the following cases:  
a) Broadcast, satellite signal carrying encrypted program of an organization with  
Vietnamese nationality;  
b) Broadcast, satellite signal carrying encrypted program of the organization protected  
in accordance with international treaties to which the Socialist Republic of Vietnam  
is party.  
4. Performances, phonograms and broadcasts and satellite signals carrying encrypted  
program shall only be protected as stipulated in paragraph 1, 2, 3 of this Article provided  
that they do not influence the copyrights exercise.  
**Chapter II  
CONTENTS, LIMITATIONS AND DURATION  
OF PROTECTION OF COPYRIGHTS, RELATED RIGHTS  
Section 1. Contents, limitations and terms of protection of copyrights  
Article 18. Copyrights**Copyrights to works stipulated in this Law include personal rights and property rights.  
**Article 19. Personal rights**Personal rights include the following rights:  
1. To name his or her work;  
2. To put his or her real name or pseudonym in the work; to have his or her real name or  
pseudonym mentioned when his or her work is published or used;  
3. To publish his or her work or authorize another person to do so;  
4. To protect the integrity of his or her work, to object to any alteration, mutilation, distortion  
or other modification in any form which prejudice against his or her honor and prestige.  
**Article 20. Property rights**1. Property rights include the following:  
a) To create the derivative work;  
b) To perform the work to the public;  
c) To reproduce the work;  
d) To circulate to the public the original or copies of the work;  
d’) To communicate the work to the public by wire or wireless means, through electronic  
information network or by any other technical means;  
e) To lease the original or copies of a cinematographic work or a computer program.  
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2. The rights referred to in clause 1 of this Article shall be exercised by the author [or] the  
owner of exclusive copyright or by another person with the owner’s permission in  
accordance with this Law.  
3. Organizations, individuals who exploit or use one, several or all of the rights stipulated in  
paragraph 1 of this Article and paragraph 3 of Article 19 of this Law must ask for  
permission from the copyright owners and pay them with royalties, remuneration and  
other material benefits.  
**Article 21. Copyrights to cinematographic works and dramatic works**1. Persons who are directors, editors, cameramen, stage managers, composers, art-designers,  
sound-men, lighting-men, studio artists, studio-instrument managers, high-tech makers  
and others doing creative jobs related to cinematographic works shall have the rights as  
stipulated in Article 19.1, 2 and 4 of this Law and other rights as agreed.  
Persons who are directors, editors, choreographer, composers, art-designers, sound-men,  
lighting-men, stage artists, stage-instrument managers, high-tech makers and others doing  
creative jobs related to dramatic works shall have the rights as stipulated in Article 19.1, 2  
and 4 of this Law and other rights as agreed.  
2. Organizations and individuals who invest finance and other material and technical  
facilities in making cinematographic works and dramatic works shall be the rights owners  
stipulated in Article 19.3 and Article 20 of this Law.  
3. Organizations and individuals stipulated in Paragraph 2 of this Article shall have the  
obligations to pay royalties, remuneration and other physical benefits determined by  
agreement with persons stipulated in Paragraph 1 of this Article.  
**Article 22. Copyrights to computer programs and compilations**1. Computer program is a set of instructions which is expressed in forms of commands,  
codes, diagrams or the like, to be readable by a computer in order to bring a certain result.  
Computer programs shall be protected as a literary work regardless of them being  
expressed in the source code or object code.  
2. Compilation is a collection of data in a creative way showed in the selection, arrangement  
of documents in electronic form or others.  
The copyrights protection of compilation does not include the protection of documents  
themselves and must not prejudice the copyrights of these documents.  
**Article 23. Copyrights to folk artistic and literary works**1. Folk artistic and literary works mean the productions of collective creations based on  
traditions of a community or individuals reflecting expectations of such community of  
which the expression appropriate to its cultural and social characters, and its criteria and  
values are handed down orally or by imitation or the like, Folk artistic and literary works  
comprise the following:  
a) Folk tales, poetry and riddles;  
b) Folk songs and instrumental folk music;  
c) Folk dances, plays, ceremonials and games;  
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d) Musical instruments, drawings, paintings, sculptures, architectural models which are  
created in any materials.  
2. Organizations and individuals when using such works must indicate the origins of those  
expressions of folklore and protect their real values.  
**Article 24. Copyright to literary, artistic and scientific works**The protection of the copyright to literary, artistic and scientific works referred to in Article  
14.1 of this Law shall be specified by the Government.  
**Article 25. Use of published works without obtaining permission and paying royalties,  
remuneration**1. The following forms of use of published works without obtaining permission and paying  
any royalties, remuneration:  
a) Self - reproducing one single copy for the purposes of science research and individual  
teaching;  
b) Reasonable quoting works without alteration of their contents for commentary or for  
illustration in one’s own works;  
c) Quoting from a work without alteration of their contents for use in articles, periodic  
journals, radio and television programs and documentary films;  
d) Quoting from a work for teaching in schools without alteration of the contents not for  
commercial purposes;  
d’) Copying a work for archives in libraries for the purposes of research;  
e) Performing dramatic works and other forms of performing arts in cultural gatherings or  
in promotional campaigns without any form of charges;  
g) Directly recording and reporting performances for public information and educational  
purposes;  
h) Taking pictures of or televising works of fine art, photographic, and applied art that  
have already been publicly displayed for introduction purposes;  
i) Translating a work into Braille or the like;  
k) Importing copies of others’ works for personal use only.  
2. Persons and legal persons who use the works as stipulated in Paragraph 1 of this Article  
shall not make any affect to normal exploitation of the works or prejudice the rights of the  
authors or copyright owners; they must provide information about the name of the authors  
and origins of works.  
3. Any use of works as stipulated in paragraph 1 of this Article is not applicable to  
architectural, fine art works or computer programs.  
**Article 26. Use of published works without obtaining permission but paying royalties,  
remuneration**1. Broadcasting organizations using published works for the purpose of carrying out  
broadcasting programs with sponsorship, advertisements or collection of money in any  
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form shall not be liable for obtaining permission from, but shall be liable to pay royalties  
or remunerations to, the copyright owner in accordance with the Government regulations,  
2. Organizations and individuals when using the works stipulated in paragraph 1 of this  
Article must not influence the normal exploitation of works and must not prejudice rights  
of authors or copyright owners, and must provide information about the name of the  
author and origin of the works.  
3. The use of works referred to in clause 1 of this Article shall not apply to cinematographic  
works.  
**Article 27. Terms of copyrights protection**1. Personal rights stipulated in Articles 19.1, 19.2 and 19.4 of this Law shall be protected  
indefinitely.  
2. Personal rights stipulated in Article 19.3 and property rights stipulated in Article 20 of this  
Law shall be protected with the following terms:  
a) Cinematographic works, photographic works, dramatic works, applied art works,  
anonymous works shall have the term of protection of 50 years from their first  
publications. If within 50 years from the fixation, cinematographic work, dramatic  
works have not been published, the term of protection shall be 50 years from the  
fixation date of the work; with regard to an anonymous work, when information  
relating to the author is available, the term of protection shall be counted as stipulated  
in paragraph b of this clause;  
b) Other works of any other type not referred to in clause 2(a) of this Article shall have  
the term of protection being during the life of the author and for 50 years from the year  
of his or her death; in respect of works created by co-authors, the term of protection  
shall be ended at the 50th year after the year of death of the last surviving co-author.  
c) Terms of protection stipulated in paragraph 2.a and 2.b of this Article shall be ended at  
24 o’clock of the date of 31 December of the year when the protection term ends.  
**Article 28. Copyrights infringement**1. Seizing copyrights of a literary, artistic, scientific work;  
2. Assuming the author’s name of a work;  
3. Publishing, disseminating a work without its author’s permission;  
4. Publishing, disseminating a co-author work without permission of other co-author(s);  
5. Modifying, mutilating or distorting a work in any forms, which is prejudicial to the  
author’s honor and prestige;  
6. Copying a work without permission of the author or the copyrights owner, except for the  
cases stipulated in Articles 25.1.a and 25.1.dd of this Law;  
7. Make derivative works without permission of the author or the copyrights owner of the  
work used to make such derivative work, except forms of use of works stipulated in  
Article 25.1.i of this Law;  
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8. Exploiting a work of without permission of copyrights owner, without paying royalties  
and remuneration and other material benefits under the law; except forms of use of works  
stipulated in Article 25.1 of this Law;  
9. Renting a work without any payment of royalties, remuneration and other material  
benefits to its author and copyrights owner;  
10. Photocopying, producing, disseminating, publishing, displaying or communicating a work  
to the public by broadcasting network or digital devices without permission of the  
copyrights owner;  
11. Publishing a work without permission of the copyrights owner;  
12. Intentionally canceling or invalidating technical methods applied by the copyrights owner  
to protect copyrights of his or her work;  
13. Intentionally erasing or amending electronic information on copyrights management of a  
work;  
14. Producing, assembling, altering, distributing, importing, exporting, selling or leasing an  
item of equipment when knowing or having basis to know that such equipment is used for  
invalidating the technical measures taken by the copyright owner to protect the copyright  
to his/her works.  
15. Making and selling a work of which the author’s signature is being forged;  
16. Exporting, importing, disseminating copies of a work without permission of the  
copyrights owner.  
**Section 2. Contents, limitations and terms of related rights  
Article 29. Rights of performers**1. Performers who are at the same time investment owners have personal rights and property  
rights to their performances; where performers are not investment owners, they shall have  
the personal rights and the investment owner shall have the property rights in respect of  
such performances.  
2. Personal rights include the following rights:  
a) Acknowledge performer’s name upon the performance or distribution of phonograms,  
or broadcast of his or her performance  
b) Protect his or her performance image and object to any modification, mutilation,  
distortion of his or her performances in any form that would be prejudicial to his or her  
honor and prestige;  
3. Property rights include the exclusive right to carry out or to authorize any of the  
followings:  
a) Fix his or her live performance in phonograms;  
b) Directly or indirectly reproduce a fixation of his or her performance;  
c) Broadcast and communicate to the public his or her unfixed performance, except where  
such performance for broadcasting purposes.  
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d) Distribute to the public a fixation of his or her performance or copies thereof by sale,  
rental, or any other technical means accessible to the public.  
4. Organizations and individuals when exploiting and using the rights stipulated in Paragraph  
3 of this Article shall have the obligation to pay remuneration to performers as stipulated  
by law or as agreement.  
**Article 30. Rights of producers of phonograms**1. The producer of a phonogram shall have the exclusive right to carry out or authorize any  
of the following acts:  
a) Directly or indirectly reproduce his or her phonogram;  
b) Distribute to the public the original or copies of the phonogram by sale, rental or  
distribution or any other technical means accessible to the public;  
2. The producer of a phonogram shall have the right to get material benefits when his or her  
phonogram is distributed to the public.  
**Article 31. Rights of Broadcasting Organizations**1. A broadcasting organization shall have the exclusive right to carry out or to authorize any  
of the following acts:  
a) Broadcast or rebroadcast its broadcast  
b) Distribute to the public its broadcast  
c) Fix its broadcast  
d) Reproduce a fixation of its broadcast  
2. A broadcasting organization shall have the right to get material benefits when their  
broadcasting programs are recorded, broadcasted and distributed to the public.  
**Article 32. Use of related rights without obtaining permission and paying royalties and  
remuneration**1. The following forms of use of related rights shall not require obtaining permission and  
paying royalties and remuneration:  
a) Duplication by oneself of one single copy of works for the purpose of personal  
scientific research;  
b) Duplication by oneself of one single copy of works for the purpose of teaching  
activities, except when phonograms, or broadcasting programs have been published  
for teaching.  
c) Reasonable quotation the purpose of providing information only;  
d) A broadcasting organization temporarily makes a phonogram by itself for  
broadcasting when it is entitled to the right to broadcast.  
2. Persons and legal persons who use the rights as stipulated in paragraph 1 of this Article do  
not make any affects to the normal exploitation of the performances, phonograms and  
broadcasting programs, and do not prejudice the rights of the performers, phonogram  
producers or broadcasting organizations.  
**Article 33. Use of related rights without obtaining permission but paying royalties and**  
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**remuneration**1. Organizations and individuals using related rights in the following cases shall not be liable  
for obtaining permission from, but shall be liable to pay royalties or remunerations as  
agreed to, the authors, copyright owners, performers, sound/video recordings and  
broadcasting organizations:  
a) Directly or indirectly using a published sound/video recording for commercial purpose  
in order to carry out broadcasting programs with sponsorship, advertisements or  
collection of money in any form.  
b) Using a published sound/video recording in their business and commercial activities.  
2. Organizations and individuals using the rights as referred to in clause 1 of this Article  
must not influence the normal exploitation of performances, sound/video recordings and  
broadcasting programs and must not prejudice to the rights of performers, sound/video  
recording producers and broadcasting organizations.  
**Article 34. Terms of Related Rights Protection**1. Rights of a performer shall be protected during the term of 50 years following the year of  
fixation of the performance.  
2. Rights of a producer of phonograms shall be protected during the term of 50 years  
following the year of publication of the phonogram or during the term of 50 years  
following the year of fixation if the phonogram has not been published.  
3. Rights of a broadcasting organization shall be protected during the term of 50 years  
following the year of broadcast of the program.  
4. Terms of protection stipulated in paragraphs 1, 2 and 3 of this Article shall end at 24  
o’clock of 31 December of the year when term of related rights protection ends.  
**Article 35. Related Rights Infringement**1. Abrogating the rights of performers, producers of phonograms, broadcasting  
organizations;  
2. Assuming the names of performers, producers of phonograms, broadcasting organizations;  
3. Publishing, producing and communicating to the public fixed performances, phonograms,  
broadcasts without the permission of performers, producers of phonograms, broadcasting  
organizations;  
4. Modifying, mutilating or distorting performances in any form which prejudice to honor  
and prestige of performers;  
5. Reproducing, extracting fixed performances, phonograms, broadcasts without the  
permission of performers, producers of phonograms, broadcasting organizations;  
6. Removing or altering any right management information in electronic format without  
permission of the related right owner  
7. Intentionally canceling or invalidating technical methods applied by the related right  
owner to protect his or her related rights.  
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8. Distributing, importing for distribution, broadcasting, communicating to the public  
performances, fixed copies of performances or phonograms when knowing or having basis  
to know that the right management information in electronic format has been removed or  
altered without permission of the related right owner;  
9. Producing, assembling, transforming, distributing, importing, exporting, selling or renting  
an item of an equipment when knowing or having basis to know that such equipment is  
used for illegal decoding a satellite signal carrying encrypted program;  
10. Intentional recording or disseminating continuously of a satellite signal carrying  
encrypted program if the signal is decoded without permission of the lawful distributors.  
**Chapter III  
COPYRIGHTS OWNERS AND RELATED RIGHTS OWNERS  
Article 36. Copyrights Owner**Copyrights owners are organizations, individuals that own part or whole of the property rights  
as stipulated in Article 20 of this Law.  
**Article 37. Copyrights Owner is an author**Author who creates his work by using his own time, finance and other physical and technical  
facilities shall have the rights as stipulated in Articles 19 and 20 of this Law.  
**Article 38. Copyrights Owner is a co-author**1. Co-author who co-creates a work by using his own time, finance and other material  
conditions shall have the personal rights as stipulated in Article 19 and property rights as  
stipulated in Article 20 of this Law.  
2. Where the work created by co-authors mentioned in Paragraph 1 of this Article, consists of  
different parts, each of which can be used separately from others, the co-authors shall have  
the rights as stipulated in Articles 19 and 20 of this Law over such separate part.  
**Article 39. Copyrights Owner is an organization, or individual that assigns a duty to or  
contract with an author.**1. An organization that assigns a duty of creating a work to an author, who is its employee,  
shall be the owner of the rights as stipulated in Article 20 and Article 19.3 of this Law,  
except where otherwise agreed.  
2. An organization, individual that contract with an author who creates a work, shall be the  
owner of the rights as stipulated in Article 20 and paragraph 3 Article 19 of this Law,  
unless otherwise agreed.  
**Article 40. Copyrights Owner is an heir**An Organization, individual that is heir of copyright in accordance with law on inheritance  
shall be the owner of the rights as stipulated in Articles 20 and paragraph 3 Article 19 of this  
Law.  
**Article 41. Copyrights Owner is a copyrights assignee**  
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An organization, individual that is an assignee of a part or whole of the rights as stipulated in  
Article 20 and paragraph 3 Article 19 of this Law as agreed in the contract shall be the  
copyrights owner.  
**Article 42. Copyright owner is the State**1. The following works shall be stated-owned works:  
a) Posthumous works;  
b) Works, which are being protected during their protection terms, of which the owners of  
property rights died without any heir(s), or with heir(s) who have waived, or has no,  
the right to such works.  
c) Works of which owner rights are assigned to the State by the copyrights owner.  
2. The Government shall provide specific provisions on the use of stated-owned works.  
**Article 43. Works of public domain**1. Works, of which the protection terms have expired as stipulated in Article 27 of this Law,  
is of public domain.  
2. All organizations, individuals have the right to use works stipulated in paragraph 1 of this  
Article with the respect for personal rights of the authors as stipulated in Article 19 of this  
Law.  
3. The Government shall provide specific provisions on the use of works of public domain.  
**Article 44. Related right owners**1. Organizations, individuals that use their own time, finance and other material facilities to  
make a performance shall be the owners of that performance, unless otherwise agreed with  
related party.  
3. Organizations or individuals that that uses their own time, finance and other material  
facilities to make a phonogram shall be the owner of that phonogram, unless otherwise  
agreed with related party.  
4. Broadcasting organization is the owner of its broadcasting program, unless otherwise  
agreed with related party.  
**Chapter IV  
ASSIGNMENT OF COPYRIGHTS, RELATED RIGHTS  
Section 1. Assignment of copyrights, related rights  
Article 45. General provisions on Assignment of copyrights, related rights**1. Assignment of copyrights, related rights is the assignment of owner rights stipulated in  
Articles 19.3, 20, 29.3, 30 and 31 of this Law by copyrights and related rights owners to  
other organizations, individuals under a contract or under relevant legislation.  
2. Authors are not allowed to assign personal rights stipulated in Article 19, except the right  
to publication; performers are not allowed to assign personal rights stipulated in Article  
29.2 of this Law.  
3. Assignment of copyrights, related rights in respect of works, performances, phonograms,  
broadcasting program created by co-owners must have the agreement of all co- owners.  
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Where the mentioned works consist of different parts, each of which can be used  
separately from others, the copyrights, related rights owner shall have the right to assign  
his or her copyrights, related rights over his or her part to other organizations, individuals.  
**Article 46. Contract for copyrights/related rights assignment.**1. A contract for copyrights/related rights assignment must be made in writing and includes  
the following main contents:  
a) Full name and address of assignor and assignee;  
b) Grounds of assignment;  
c) Price and mode of payment;  
d) Rights and obligations of each party;  
d’) Obligations for breach of contract.  
2. The implementation, amendment, termination and cancellation of assignment contract of  
copyrights, related rights shall apply regulations of the Civil Code.  
**Section 2. Transference of the use of copyrights, related rights  
Article 47. General provisions on transference of the use copyrights, related rights**1. Transference of the use of copyrights, related rights means copyrights, related rights  
owners allow other individuals, organizations to use in a limited time part or whole of  
their exclusive rights stipulated in Articles 19.3, 20, 29.3, 30 and 31 of this Law.  
2. Authors are not allowed to transfer the use of personal rights stipulated in Article 19,  
except the right to publication; performers are not allowed to transfer the use of personal  
rights stipulated in Article 29.2 of this Law.  
3. Transference of the use of copyrights, related rights in respect of works, performances,  
phonograms, broadcasting program created by co-authors must have the agreement of all  
co- authors. Where the mentioned works consist of different parts, each of which can be  
used separately from others, the copyrights, related rights owner shall have the right to  
transfer his or her use of copyrights, related rights over his part to other organizations,  
individuals.  
4. Organizations, individuals that are licensees of copyrights, related rights are, by the  
consent of copyrights, related rights owners, allowed to sublicense such rights to other  
organizations, individuals.  
**Article 48. Contract for use of copyrights, related rights**1. A contract for use of copyrights, related rights must be made in writing and comprise the  
following main contents:  
a) Full name and address of assignor and assignee;  
b) Grounds of assignment;  
c) Scope of the assignment of the right;  
d) Price and mode of payment;  
d’) Rights and obligations of each party;  
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e) Obligations for breach of contract  
2. The implementation, amendment, termination and cancellation of assignment contract of  
copyrights, related rights shall apply regulations of the Civil Code.  
**Chapter V  
REGISTRATION CERTIFICATION OF COPYRIGHTS AND RELATED RIGHTS  
Article 49. Registration of copyrights and related rights**1. The registration of copyrights, related rights means an author or a copyrights, related rights  
owner files an application and attached documents (hereinafter jointly referred to as  
application) with the competent state authorities to attest the information of author, work,  
copyrights and related rights owner.  
2. Filing application for copyrights/related rights registration certificate is not a mandatory  
procedure for the entitlement to the copyright and related in accordance with this Law.  
3. Organizations, individuals granted a copyrights/related rights registration certificate shall  
not be obliged to prove their copyrights, related rights upon a dispute, except where an  
opposition proof is given.  
**Article 50. Application for registration of copyrights/related rights**1. Authors, owners of copyrights, related rights shall have the right to directly or authorize  
other persons or organizations to lodge an application for registration of such copyrights,  
related rights.  
2. An application for registration of copyrights, related rights shall include the followings:  
a) A declaration form for registration of the copyrights, related rights.  
The form must be in Vietnamese and is signed by the author, copyrights, related rights  
owners or authorized person, and fully contains information about the applicant;  
information about the author, owner of the copyrights, related rights; a summary of the  
main contents of work, performance, phonogram or broadcasting program; name of  
author and the work used to make derivative works if the work is a derivative work; time,  
location, forms for publication; commitments and responsibilities relating to the  
information given in the application.  
The Ministry of Culture and Information shall provide for the declaration form for  
registration of copyright and related rights.  
b) 02 copies of the work applied for copyrights registration or 02 copies of the fixation of  
the subject matter for related rights registration;  
c) A power of attorney in case the applicant is an empowered person;  
d) Documents evidencing the right to file an application if the applicant acquires that  
right from another person as a result of inheritance, transfer or assignment;  
d’) A document of agreement of all co-authors if the work has co-authors.  
e) A document of agreement of all co-owners if the copyrights, related rights belong to  
joint ownership.  
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3. Those documents stipulated in paragraphs 2.c, d, dd and e of this Article must be in  
Vietnamese or must be translated into Vietnamese if they are made in foreign languages.  
**Article 51. Competent in granting Copyright Registration Certificates and Related Rights  
Registration Certificates**1. The State management authority in charge of copyrights and related rights shall have the  
competent authorities to issue the Copyright Registration Certificates, and Related Rights  
Registration Certificates.  
2. The State management authority in charge of copyrights and related rights which have the  
power to issue Copyright Registration Certificates, and Related Rights Registration  
Certificates, shall also have the power to reissue, replace or annul such certificate.  
3. The Government shall make specific provisions for conditions, orders and procedures for  
issuing, replacing and annulment of Copyright Registration Certificates, and Related  
Rights Registration Certificates.  
4. The Ministry of Culture and Information shall set out forms of Certificate of Registration  
for copyrights and related rights.  
**Article 52. Time limit for issuing copyrights/related rights registration certificates**Within 15 working days from the date of receipt of valid application, the State management  
authority in charge of copyrights and related rights shall be responsible for granting the  
Copyright Registration Certificate or Related Rights Registration Certificate to the relevant  
applicant. In case of refusing to grant the Copyright Registration Certificate or Related Rights  
Registration Certificate, this authority shall notify the applicant in writing.  
**Article 53. Validity of copyrights/related rights registration certificate**1. Copyright Registration Certificates or Related Rights Registration Certificates shall be  
effective in the whole territory of Vietnam.  
2. Copyright Registration Certificates or Related Rights Registration Certificates issued by  
the State management authority in charge of copyrights and related rights before this Law  
comes into full force shall have its validity maintained.  
**Article 54. Register and publication of copyrights, related rights**1. Copyright Registration Certificates or Related Rights Registration Certificates shall be  
recorded in the National Register of Copyrights, Related rights.  
2. Decision to issue, re-issue, change or to annul the validity of Copyright Registration  
Certificates or Related Rights Registration Certificates must be published in the Official  
Gazette in respect of Copyrights, Related rights.  
**Article 55. Re-issue, replace or annulment of the validity of Copyright Registration  
Certificate, Related Rights Registration Certificate**1. When a Copyright Registration Certificate, Related Rights Registration Certificate is lost,  
or damaged or if the copyright owner or related right owner is changed, the authority  
referred to in Article 51.2 of this Law shall reissue or replace such Copyright Registration  
Certificate, Related Rights Registration Certificate.  
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2. When an individual who is granted registration certificate of copyrights, related rights is  
not the author, the copyright or related right owner or it not a protected subject matter, the  
authority referred to in Article 51.2 of this Law shall annul the validity of such Copyright  
Registration Certificate, Related Rights Registration Certificate.  
3. Any organization or individual who discovers that the grant of a Copyright Registration  
Certificate or Related Rights Registration Certificate is contrary to the provisions of this  
Law shall have the right to request the state management authority in charge of copyrights,  
related rights to cancel the validity of such certificate.  
**Chapter VI  
REPRESENTATIVE, CONSULTANCY AND SERVICE ORGANIZATIONS  
IN THE FIELDS OF COPYRIGHTS, RELATED RIGHTS  
Article 56. Collective management organizations of copyrights and related rights**1. Collective management organizations of copyrights and related rights are non-profit  
organizations established on the basis of agreement among authors, copyrights owners,  
related rights owners, operates in accordance with the law in order to protect copyrights  
and related rights.  
2. Collective management organizations of copyrights and related rights shall carry out the  
following activities as authorized by authors, copyrights, related rights owners:  
a) To manage copyrights and related rights; to negotiate on licensing, seizing and  
dividing royalties, remuneration and other material benefits there from the allowance  
of exploiting the authorized rights;  
b) To protect member’s rights and legal benefits, to reconcile any dispute.  
3. Collective management organizations of copyrights and related rights have the rights and  
obligations as follows:  
a) To establish encouraging creation activities and other social activities;  
b) To cooperate with correlative international and national organizations on the protection  
of copyrights and related rights;  
c) To make scheduled and unscheduled report on collective management to competent  
authorities;  
d) Other rights and duties according to the provisions of the law.  
**Article 57. Consultancy and service organizations of copyrights and related rights**1. Consultancy and service organizations of copyrights and related rights are established and  
operated in accordance with the law  
2. Consultancy and service organizations of copyrights and related rights shall carry out the  
following activities as requested by authors, copyrights owners, related right owners:  
a) To do consultancy work of issues relating to the law on copyrights and related rights;  
b) To carry out application procedures for registration of copyrights, related rights under  
the authorization on behalf of copyrights owners, related right owners;  
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c) To join other legal relations on copyrights, related rights, the protection of lawful rights  
of authors, copyrights owners and related rights owners under the authorization.  
**PART THREE  
INDUSTRIAL PROPERTY RIGHTS  
Chapter VII  
REQUIREMENTS FOR PROTECTION OF INDUSTRIAL PROPERTY RIGHTS  
Section 1. Protection requirements for inventions  
Article 58. General requirements for inventions eligible for protection**1. An invention shall be eligible for protection by granting of an Invention Patent if it meets  
the following conditions:  
a) To be novel;  
b) To involve an inventive step;  
c) To be susceptible of industrial application.  
2. Unless it is common knowledge an invention shall be eligible for protection by granting of  
a Utility solution Patent if it meets the following conditions:  
a) To be novel;  
b) To be susceptible of industrial application.  
**Article 59. Subject matters not protected as inventions**The following subject matters shall not be protected as inventions:  
1. Discoveries, scientific theories; mathematical methods;  
2. Schemes, plans, rules or methods for performing mental acts, training domestic animals,  
playing games, doing business; computer programs;  
3. Presentations of information;  
4. Solutions of aesthetic characteristics only;  
5. Plant varieties, animal varieties;  
6. Processes of essentially biological nature for the production of plants and animals other  
than microbiological processes;  
7. Disease prevention, diagnostic and treatment methods for human or animals.  
**Article 60. Novelty of inventions**1. An invention shall be considered as novel if it is not publicly disclosed by use or means of  
a written or oral description or any other form, inside or outside the country, before the  
filing date or the priority date, as applicable, of the invention registration application.  
2. An invention shall be considered as not yet publicly disclosed if it is known to only a  
limited number of persons who are obliged to keep it secret.  
3. An invention shall not be considered as lacking of novelty if it was published in the  
following circumstances, provided that the invention registration application is filed  
within 6 months from the date of publication:  
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a) It was published by another person without permission of the person having the right  
to registration as provided for in Article 86 of this Law;  
b) It was published in the form of a scientific presentation by the person having the right  
to registration as provided for in Article 86 of this Law;  
c) It was exhibited at a national exhibition of Vietnam or at an official or officially  
recognized international exhibition by the person having the right to registration as  
provided for in Article 86 of this Law.  
**Article 61. Inventive step of inventions**An invention shall be considered to involve an inventive step, based on all technical solutions  
already disclosed by use or means of a written or oral description or any other form inside or  
outside the country, prior to the filing date or the priority date, as applicable, of the invention  
registration application, it constitutes an inventive progress and cannot be easily created by a  
person with ordinary skill in the art.  
**Article 62. Susceptibility of industrial application of inventions**An invention shall be considered as susceptible of industrial application if it is possible to  
carry out massive production or manufacture of the product or repeated application of the  
process that is the subject mater of the invention and achieve stable results.  
**Section 2. Protection requirements for industrial designs  
Article 63. General requirements for industrial designs eligible for protection**An industrial design shall be eligible for protection if it meets the following conditions:  
1. To be new;  
2. To be creative;  
3. To be susceptible of industrial application.  
**Article 64. Subject matters not protected as industrial designs**The following subject matters shall not be protected as industrial designs:  
1. Appearance of a product that is dictated by its technical features of the product;  
2. Appearance of a civil or an industrial construction work;  
3. Appearance of a product that is invisible during use of the product.  
**Article 65. Novelty of industrial designs**1. An industrial design shall be considered as new if it significantly differs from other  
industrial designs that are already disclosed by way of use or description in writing or in  
any other forms inside or outside the country prior to the filing date or the priority date, as  
applicable, of the industrial design registration application.  
2. Two industrial designs shall not be considered as significantly different from each other if  
they are only different in features which are not easily noticeable and memorable and  
which cannot serve to distinguish these industrial designs as whole.  
3. An industrial design shall be considered as not yet publicly disclosed if it is known to only  
a limited number of persons who are obliged to keep it secret.  
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4. An industrial design shall not be considered as lacking of novelty if it was published in the  
following circumstances, provided that the industrial design registration application is  
filed within 6 months from the date of publication or exhibition:  
a) It was published by another person without permission of the person having the right  
to registration as provided for in Article 86 of this Law;  
b) It was published in the form of a scientific presentation by the person having the right  
to registration as provided for in Article 86 of this Law;  
c) It was exhibited at a national exhibition of Vietnam or at an official or officially  
recognized international exhibition by the person having the right to registration as  
provided for in Article 86 of this Law.  
**Article 66. Creativity of industrial designs**An industrial design shall be considered as creative if, on the basis of an industrial design  
already publicly disclosed by use or means of a written or oral description or any other form  
inside or outside the country before the filing date or the priority date, as applicable, of the  
industrial design registration application, it cannot be easily created by a person with ordinary  
skill in the art.  
**Article 67. Susceptibility of industrial application of industrial designs**An industrial design shall be considered as susceptible of industrial application if it can serve  
as a model for mass production of the product with appearance embodying the industrial  
design by industrial or handicraft methods.  
**Section 3. Protection requirements for layout-designs  
Article 68. General requirements for layout-designs eligible for protection**A layout-design shall be eligible for protection if it meets the following conditions:  
1. To be original;  
2. To be commercially novel.  
**Article 69. Subject matters not protected as layout-designs**The following subject matters shall not be protected as layout-designs:  
1. Principles, processes, systems or methods operated by semiconductor integrated circuits;  
2. Information or software contained in semiconductor integrated circuits.  
**Article 70. Originality of layout designs**1. A layout-design shall be considered as original if it meets the following conditions:  
a) To result from its author's own creative effort;  
b) Not to be widely known among creators of layout-designs or manufacturers of  
semiconductor integrated circuits at the time of its creation.  
2. A layout-design that consists of combination of elements and interconnections that are  
commonplace shall be considered to be original only if the combination, taken as the  
whole, is original as prescribed in paragraph 1 of this Article.  
**Article 71. Commercial novelty of layout-designs**  
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1. A layout-design shall be considered as commercially novel if it has not been commercially  
exploited anywhere in the world prior to the filing date of the application for registration.  
2. A layout-design shall not be considered as lacking of commercial novelty if the layoutdesign registration application is filed within 2 years from the date such layout-design was  
commercially exploited for the first time anywhere in the world by the person who has the  
right to registration provided for in Article 86 of this Law or his or her licensee.  
3. Commercial exploitation of a layout-design means any act of public distribution for  
commercial purposes of a semiconductor integrated circuit produced by incorporation of  
the layout-design, or an article incorporating such a semiconductor integrated circuit.  
**Section 4. Protection requirements for marks  
Article 72. General requirements for marks eligible for protection**A mark shall be eligible for protection if it meets the following conditions:  
1. To be a visible sign in the form of letters, words, pictures, figures, including threedimensional figures or a combination thereof, represented in one or more colors;  
2. To be capable of distinguishing goods or services of the mark owner from those of others.  
**Article 73. Signs not protected as marks**The following signs shall not be protected as marks:  
1. Signs identical with or confusingly similar to the national flags, national emblems;  
2. Signs identical with or confusingly similar to emblems, flags, armorial bearings,  
abbreviations, full names of State agencies, political organizations, socio-political  
organizations, socio-political professional organizations, social organizations or socioprofessional organizations of Vietnam or international organizations, unless permitted by  
such agencies or organizations;  
3. Signs identical with or confusingly similar to real names, alias, pen names or images of  
leaders, national heroes or famous persons of Vietnam or foreign countries;  
4. Signs identical with or confusingly similar to certification seals, control seals, warranty  
seals of international organizations which require that their signs must not be used, except  
where such seals are registered as certification marks by those organizations;  
5. Signs liable to mislead, confuse or deceive consumers as to the origin, functional  
parameters, intended purposes, quality, value or other characteristics of the goods or  
services.  
**Article 74. Distinctiveness of marks**1. A mark shall be considered as distinctive if it consists of one or several easily noticeable  
and memorable elements, or of many elements forming an easily noticeable and  
memorable combination, and is not those signs provided for in paragraph 2 of this Article.  
2. A mark shall not be considered as distinctive if it is signs falling under one of the  
following cases:  
a) Simple devices and geometric figures; numerals, letters, or words of uncommon  
languages, except for signs having been widely used and recognized as a mark;  
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b) Signs, symbols, pictures or common names in any language of goods or services that  
have been widely and often used and are common knowledge;  
c) Signs indicating the time, place, method of production, kind, quantity, quality,  
property, composition, intended purpose, value or other characteristics, which is  
descriptive of the goods or services, except for signs having acquired distinctiveness  
through use before the filing of mark registration applications;  
d) Signs describing the legal status and activity field of businesses;  
dd) Signs indicating the geographical origin of the goods or services, except for signs  
having been widely used and recognized as a mark or signs registered as collective  
marks or certification marks as provided for in this Law;  
e) Signs not being integrated signs which are identical with or confusingly similar to a  
registered mark in respect of identical or similar goods or services on the basis of a  
registration application having earlier filing date or earlier priority date, as applicable  
including applications filed under international treaties to which the Socialist Republic  
of Vietnam is party;  
g) Signs identical with or confusingly similar to another person’s mark having been  
widely used and recognized in respect of the similar or identical goods/services as  
before the filing date or the date of priority, as the case may be;  
h) Signs identical with or confusingly similar to another person’s mark already registered  
in respect of identical or similar goods or services the Mark registration Certificate of  
which has been terminated for no more than 5 years, except where the ground for such  
termination is non-use of the mark as provided for in subparagraph d paragraph 1  
Article 95 of this Law;  
i) Signs identical with or confusingly similar to another registered person’s mark  
recognized as well-known in respect of the goods or services that are identical with or  
similar to those bearing the well-known mark; or in respect of dissimilar  
goods/services if the use of such marks may prejudice the distinctiveness of the wellknown mark or the registration of such signs is aimed at taking advantage of goodwill  
of the well-known mark;  
k) Signs identical with or similar to another person’s trade name having been used if the  
use of such signs is likely to cause confusion to consumers as to the source of goods or  
services;  
l) Signs identical with or similar to a geographical indication being protected if the use of  
such signs is likely to cause mislead consumers as to the geographical origin of goods;  
m) Signs identical with or containing geographical indications or being translated from the  
meaning or transcription of the geographical indication being protected with respect to  
wines or spirits if such signs have been registered for use with respect to wines and  
spirits not originating from the geographical area bearing such geographical indication;  
n) Signs identical with or insignificantly different from another person’s industrial design  
having been protected on the basis of an industrial design registration application with  
filing date or priority date earlier than those of the mark registration application.  
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**Article 75. Criteria for recognition of a well-known mark**The following criteria shall be taken into account while considering well-known status of a  
mark:  
1. The number of the related consumers who are aware of the mark through purchase or use  
of the goods or services bearing the mark or through advertising;  
2. Territorial scope of circulation of the goods/services bearing the mark;  
3. Turn-over of the sale or supply of the goods or services bearing the mark or the volume of  
the goods sold or the services supplied;  
4. The period of continuous use of the mark;  
5. Widespread goodwill of the goods/services bearing the mark;  
6. Number of the countries granting protection to the mark;  
7. Number of the countries recognizing the mark as well known;  
8. Value of assignment, licensing price, or the value of investment capital contribution in  
respect of the mark.  
**Section 5. Protection requirements for trade names  
Article 76. General requirements for trade names eligible for protection**A trade name shall be eligible for protection if it is capable of distinguishing the business  
entity bearing such trade name from other business entities acting in the same field and  
locality of business.  
**Article 77. Subject matters not protected as trade names**Designations of State agencies, political organizations, socio-political organizations, social  
organizations, socio-professional organizations or those entities who are not engaged in  
business activities shall not be protected as trade names.  
**Article 78. Distinctiveness of trade names**A trade name shall be considered as distinctiveness if it meets the following conditions:  
1. To consist of a proper name, except where it has been widely known as a result of use;  
2. Not to be identical with or confusingly similar to a trade name having been used earlier by  
another person in the same field and locality of business;  
3. Not to be identical with or confusingly similar to another’s mark or a geographical  
indication having been protected before the date it is used.  
**Section 6. Protection requirements for geographical indications  
Article 79. General requirements for geographical indications eligible for protection**A geographical indication shall be eligible for protection if it meets the following conditions:  
1. The product having the geographical indication originates from the area, locality, territory  
or country corresponding to such geographical indication.  
2. The product having the geographical indication has reputation, quality or characteristics  
essentially attributable to the geographical conditions of the area, locality, territory or  
country corresponding to such geographical indication.  
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**Article 80. Subject matters not protected as geographical indications**The following subject matters shall not be protected as geographical indications:  
1. Designations, indications having become generic names of goods in Vietnam;  
2. Geographical indications of a foreign country where it is not or no longer protected or no  
longer used;  
3. Geographical indications identical with or similar to a mark having been protected if their  
use will cause confusion as to the origin of the products;  
4. Geographical indications misleading consumers as to the true geographical origin of  
products bearing such geographical indications.  
**Article 81. Reputation, quality and characteristics of products having geographical  
indications**1. Reputation of the product having a geographical indication shall be determined on the  
basis of trust consumers have in the product through the extent of wideness to which it is  
known and selected by consumers.  
2. Quality and characteristics of the product having a geographical indication shall be  
defined by one or several qualitative, quantitative or physical, chemical, microbiological  
perceptible norms which shall be testable by technical means or experts with appropriate  
testing methods.  
**Article 82. Geographical conditions relevant to geographical indications**1. Geographical conditions relevant to a geographical indication shall include natural and  
human factors attributable to the reputation, quality and characteristics of the product  
having the geographical indication.  
2. Natural factors consist of those of climate, hydrograph, geology, terrain, ecological system  
and other natural conditions.  
3. Human factors consist of skills and expertise of producers, and such traditional production  
process of the locality.  
**Article 83. Geographical area corresponding to geographical indications**The geographical area corresponding to a geographical indication shall be accurately  
determined by words and a map.  
**Section 7. Protection requirements for business secrets  
Article 84. General requirements for business secrets eligible for protection**A business secret shall be eligible for protection if it meets the following requirements:  
1. Neither to be common knowledge nor easily obtained;  
2. To be capable, when being used in the business course, to render advantages to its holder  
over those who do not hold or use it;  
3. To be kept secret by its owner with necessary measures so that it shall neither be  
disclosed nor easily accessible.  
**Article 85. Subject matters not protected as business secrets**  
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The following confidential information shall not be protected as business secrets:  
1. Personal status secrets  
2. State management secrets.  
3. Security and national defense secrets.  
4. Other confidential secret information irrelevant to business.  
**Chapter VIII  
THE ESTABLISHMENT OF INDUSTRIAL PROPERTY RIGHTS TO INVENTIONS,  
INDUSTRIAL DESIGNS, LAYOUT DESIGNS, MARKS AND GEOGRAPHICAL  
INDICATIONS  
Section 1. Registration of inventions, industrial designs, layout designs, marks and  
geographical indications  
Article 86. The right to registration of an invention, industrial design and layout-design**1. The following organizations and individuals shall have the right to registration of an  
invention, industrial design and layout-design:  
a) The authors who have created the invention, industrial design or layout design by his  
or her own efforts and expenses; or  
b) The organizations or individuals who have invested funds and material facilities to  
the authors in the form of a job assignment or job hiring unless otherwise agreed by  
the parties and such agreements are not contrary to paragraph 2 of this Article.  
2. The Government shall provide for the right to registration of inventions, industrial designs  
and layout-designs created by using funds and material and technical facilities from the  
State budget.  
3. In case more than one organizations or individuals have jointly created or invested in the  
creation of an invention, industrial design or layout-design, those organizations or  
individuals shall all have the right to registration and such right shall only be exercised  
with their consensus.  
4. A person who has the right to registration as provided in this Article may assign that right  
to other organizations or individuals in the form of a written contract, passing by  
inheritance in accordance with the law, even when a registration application has been  
filed.  
**Article 87. Right to registration of a mark**1. An organization or individual shall have the right to registration of a mark to be used for  
goods or services he or she produced or supplied.  
2. An organization or individual legally engaged in the trade in a product produced by a third  
party shall have the right to registration of a mark to be used for the product, provided for  
the producer neither uses such a mark for the product nor objects to such registration.  
3. A collective organization legally established shall have the right to registration of a  
collective mark to be used by its members in accordance with the rules on using collective  
mark.  
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With regard to a sign indicating the geographical origin of goods or services, the  
organization that has the right to registration shall be the collective of organizations or  
individuals engaged in the production or trade of goods or services in the relevant locality.  
4. An organization with the function to control and certify the quality, characteristics, origin  
or other relevant criteria of goods or services shall have the right to registration of a  
certification mark provided that such organization is not engaged in the production or  
trade of such goods or services.  
5. Two or more organizations or individuals shall have the right to jointly register a mark in  
order to become the co-owners thereof, provided that:  
a) The use of such a mark shall be on behalf of all of the co-owners or shall be for the  
goods or services of which all of the co-owners are engaged in the production or trade;  
b) The use of such a mark shall not cause any confusion to consumers as to the origin of  
goods or services.  
6. A person who has the right to registration as provided for in paragraphs 1 to 5 of this  
Article, even after filing registration application, may assign, in writing, the right to other  
organizations or individuals by way of a written contract for bequest or bylaw inheritance,  
provided that the assignee satisfies the respective criteria applicable to person having the  
right to registration.  
7. With regard to a mark being protected in a member country of an international treaty  
which prohibits the representative or agent of a mark owner to register such mark and of  
which the Socialist Republic of Vietnam is also a member country, then such  
representative or agent shall not be permitted to register such mark unless it is so agreed  
by the mark owner, except where a legitimate reason is available.  
**Article 88. Right to registration of geographical indications**The right to register geographical indications of Vietnam belongs to the State.  
The State allows organizations and individuals producing the product bearing the geographical  
indication, collective organizations representing such organizations and individuals or the  
administrative authorities of the locality to which the geographical indication pertains to  
exercise the right to register such geographical indication. The person who exercises the right  
to register a geographical indication shall not become the owner of such geographical  
indication.  
**Article 89. Mode of filing registration applications for the establishment of industrial  
property rights**1. Organizations, individuals of Vietnam, foreign individuals permanently residing in  
Vietnam and foreign organizations and individuals having a production or trading  
establishment in Vietnam shall file applications for registration of establishment of  
industrial property right either directly or though a lawful representative in Vietnam.  
2. Foreign individuals not permanently residing in Vietnam, foreign organizations and  
individuals not having a production or trading establishment in Vietnam shall file  
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applications for registration of establishment of industrial property right through a lawful  
representative in Vietnam.  
**Article 90. The first-to-file principle**1. Where two or more applications are filed by several people to register the same invention,  
or to register industrial designs identical with or insignificantly different from each other,  
or to register the marks identical with or confusingly similar to each other, in respect of  
identical or similar goods or services, the Protection Titles may only be granted with  
respect to the valid application with the earliest date of priority or filing date among the  
applications that satisfy all the conditions for the issue of a protection title.  
2. Where two or more applications jointly meet all the conditions for the issue of a protection  
title and jointly have the earliest date of priority or filing date, a Protection Title may only  
be granted with respect to a single application out of those applications in accordance with  
the agreement of all applicants. Without such an agreement, all of those applications shall  
be refused for the grant of a protection title.  
**Article 91. Principle of priority**1. The applicant for registration of an invention, an industrial design or a mark may claim  
priority on the basis of the first application for protection of the same subject matter if the  
following conditions are fully satisfied:  
a) The first application has been filed in Vietnam or a member country of an international  
treaty having provisions on priority rights to which the Socialist Republic of Vietnam  
is a party, or a country having agreed with Vietnam to apply such provisions;  
b) The applicant is a national of Vietnam or such a country referred to in subparagraph a  
of this paragraph, or is a resident of or has a business or production establishment in  
Vietnam or such a country referred to in subparagraph a of this paragraph;  
c) The claim for the right of priority was clearly mentioned in the application and a copy  
of the first application certified by its receiving office;  
d) The application has been filed within the time limit provided for in the international  
treaty to which Vietnam is party.  
2. In a single invention, industrial design or mark application, the applicant may claim  
multiple priorities based on different earlier applications, provided that the corresponding  
contents of such earlier applications and the application are indicated.  
3. An industrial property registration application enjoying priority shall bear the priority date  
identical with the first filing date.  
**Article 92. Protection Titles**1. Protection Titles shall record the owners of inventions, industrial designs, layout-designs,  
marks (hereinafter referred to as Protection Title owners); the authors of inventions,  
industrial designs and layout-designs; the subject matter, scope and term of protection.  
2. The Protection Title of a geographical indication shall record the management  
organization in respect to the geographical indication, the organizations and individuals  
having the right to use the geographical indication, the protected geographical indication,  
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characteristics of the product bearing the geographical indication, characteristics of  
geographical conditions and the geographical area bearing such geographical indication.  
3. Protections Titles include Invention Patent, Utility solution Patent, Industrial design  
Patent, Layout-design of semiconductor integrated circuit registration Certificate, Mark  
registration Certificate and Geographical indication registration Certificate.  
**Article 93. Validity of the Protection Titles**1. Protection Titles have effect throughout territory of Vietnam.  
2. Invention Patents shall have validity beginning on the grant date and expiring at the end of  
20 years as from the filing date.  
3. Utility solution Patents shall have validity beginning on the grant date and expiring at the  
end of 10 years as from the filing date.  
4. Industrial design Patents shall have validity beginning on the grant date and expiring at the  
end of 5 years as from the filing date and renewable for two consecutive terms of 5 years.  
5. Layout-design of semiconductor integrated circuit registration Certificates shall have  
validity beginning on the grant date and expiring at the earliest date among the following:  
a) The end of 10 years as from the filing date;  
b) The end of 10 years as from the date the layout-designs were first commercially  
exploited anywhere in the world by the person having the right to registration or his or  
her licensee;  
c) The end of 15 years as from the date of creation of the layout-designs.  
6. Mark registration Certificates shall have the validity beginning on the granting date and  
expiring at the end of 10 years counted from the filing date and renewable indefinitely for  
consecutive terms of 10 years.  
7. Geographical indication registration Certificates shall have indefinite validity beginning  
on the grant date.  
**Article 94. Maintenance and renewal of validity of Protection Titles**1. In order to have validity of an Invention Patent or Utility Solution Patent maintained, its  
owner shall pay maintenance fees.  
2. In order to have validity of an Industrial Design Patent or a Mark registration Certificate  
renewed, its owner shall pay renewal fees.  
3. Rates of fees and procedures of maintenance and renewal of Protection Titles shall be  
provided for by the Government.  
**Article 95. Termination of validity of Protection Titles**1. The validity of a Protection Title shall be terminated in the following cases:  
a) Its owner has not paid the due fees for the maintenance or renewal as prescribed;  
b) Its owner has declared to relinquish the rights conferred by the Protection Title;  
c) Its owner has no longer existed or the owner of a Mark registration Certificate has no  
longer engaged in business without a lawful successor;  
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d) The mark has not been used by its owner or his licensee without justifiable reasons for  
a term of 5 consecutive years prior to a request for termination of validity, except the  
use is commenced or resumed at least 3 months before the request for termination;  
d’) The owner of a Mark registration Certificate in respect of a collective mark fails to  
supervise or ineffectively supervises the implementation of the rules on using  
collective mark;  
e) The owner of a Mark registration Certificate in respect of a certification mark violates  
the rules on using certification mark or fails to supervise or ineffectively supervises the  
implementation of such rules;  
g) The geographical conditions attributable to the reputation, quality or characteristics of  
the product bearing a geographical indication have changed resulting in a loss of the  
reputation, quality or characteristics of the product.  
2. Where the owner of a Protection Title fails to pay maintenance fees before the prescribed  
time limit, upon the expiry of such time limit, validity of the Protection Title shall exofficio terminates from the first day of the year for which the annual fees have not been  
paid and the State administrative authority of industrial property rights shall record such  
termination in the National Register of Industrial Property and publish it in the Industrial  
Property Official Gazette.  
3. Where the owner of a Protection Title has declared to relinquish industrial property rights  
as provided for in subparagraph b of paragraph 1 of this Article, the State administrative  
authority of industrial property shall decide to terminate the validity of the Protection Title  
from the date of receipt of the owner’s declaration;  
4. Any organizations or individuals shall have the right to request the State administrative  
authority of industrial property rights to terminate the validity of a Protection Title in  
cases provided for in subparagraphs c, d, dd e and g of paragraph 2 of this Article,  
provided that fees and charges shall be paid.  
Based on the result of the examination of request for termination of validity of a  
Protection Title and interested parties’ opinions, the State administrative authority of  
industrial property rights shall make either a decision or a notice of refusal to terminate the  
validity of the Protection Title.  
5. Provisions in paragraphs 1, 3 and 4 of this Article shall also be applied to the termination  
of validity of international registrations in respect of marks.  
**Article 96. Invalidation of Protection Titles**1. A Protection Title shall be entirely invalidated in the following cases:  
a) The applicant for registration neither has right to registration nor has been assigned  
such right (with regard to inventions, industrial designs, layout-designs and marks);  
b) The subject matter of industrial property failed to satisfy the protection conditions at  
the grant date of the Protection Title.  
2. A Protection Title shall be partly invalidated if that part failed to satisfy the protection  
conditions.  
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3. Any organizations or individuals shall have the right to request the State administrative  
authority of industrial property rights to invalidate a Protection Title in cases provided for  
in paragraphs 1 and 2 of this Article, provided that fees shall be paid.  
The time period for making request for invalidation of a Protection Title shall be its whole  
term of protection. With regard to marks, such time limit shall be 5 years as from the  
grant date, except for the case where the Protection Title has been granted due to the  
applicant’s dishonesty.  
4. Based on the result of the examination of request for invalidation of a Protection Title and  
interested parties’ opinions, the State administrative authority of industrial property rights  
shall make either a decision or a notice of refusal to entirely or partly invalidate the  
Protection Title.  
5. Provisions in paragraphs 1, 2, 3 and 4 of this Article shall also be applied to the  
invalidation of international registrations with regard to the marks.  
**Article 97. Amendments to Protection Titles**1. The owner of a Protection Title shall have the right to request the State administrative  
authority of industrial property rights to make amendments to the following information in  
the Protection Title, provided that the prescribed fees shall be paid:  
a) Changes, error corrections in relation to the name, address of the author or the owner;  
b) Amendments to the description of characteristics, quality or geographical area bearing  
a geographical indication; Amendments to the rules on using a collective mark or the  
rules on using a certification mark.  
2. At the request the owner of a Protection Title, the State administrative authority of  
industrial property rights shall be responsible for correction of the error caused at its fault  
in the Protection Title. In such a case, the owner of a Protection Title is not liable for  
payment of fees.  
3. The owner of a Protection Title shall have the right to request the State administrative  
authority of industrial property rights to narrow the scope of industrial property rights. In  
such a case, the respective industrial property registration application shall be reexamined  
as to substance and the person making such a request shall pay the fees for substantive  
examination.  
**Article 98. National register for industrial property**1. National register for industrial property is a document recording the establishment of,  
changes to, and transfers of industrial property rights to inventions, industrial designs,  
layout designs, marks and geographical indications under this Law.  
2. Decisions on the grant of protection titles, main contents of protection titles and decisions  
on the amendments to, termination or invalidation of Protection Titles, decisions on  
registration of industrial property right transfer contracts shall all be recorded in the  
National register for industrial property.  
3. National register for industrial property shall be set up and kept by the State administrative  
authority of industrial property rights.  
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**Article 99. Publication of decisions relating to Protection Titles**Any decisions on the grant, amendment, termination, invalidation, transfer of Protection  
Titles for industrial property rights shall be published by the State administrative authority of  
industrial property rights in the Industrial property Official Gazette within 60 days as from the  
date of decision.  
**Section 2. Industrial property registration applications  
Article 100. General requirements for industrial property registration applications**1. An industrial property registration application consists of the following documents:  
a) A request, made in prescribed form;  
b) Documents, samples, information identifying the industrial property object claimed for  
protection as provided for in Articles 102 through 106 of this Law;  
c) Power of attorneys, if the application is filed through a representative;  
d) Documents evidencing the right to registration, if acquired by the applicant from  
another person;  
dd) Documents evidencing the priority right, if claimed;  
e) Receipt of prescribed fees and charges.  
2. Industrial property registration applications and communication documents between the  
applicants and the State administrative authority of industrial property rights shall be made  
in Vietnamese, except for the followings, which can be made in another language but shall  
be translated into Vietnamese at the request of the State administrative authority of  
industrial property rights:  
a) Power of attorneys;  
b) Documents evidencing the right to registration;  
c) Documents evidencing the priority right;  
d) Other documents supporting to the applications.  
3. Documents evidencing the priority rights of an industrial property registration application  
shall include:  
a) A copy of the first application(s) certified by the receiving office;  
b) Deed of assignment of priority rights if acquired from another person.  
**Article 101. Requirements as to the unity of industrial property registration applications**1. Each industrial property registration application shall request for only one Protection Title  
in respect of a single industrial property object, except for the cases provided for in  
paragraphs 2, 3 and 4 of this Article.  
2. Each registration application may request for one Invention Patent or a Utility Solution  
Patent in respect of a group of inventions that are closely linked to form a single common  
inventive idea.  
3. Each registration application may request for one Industrial Design Patent in respect of  
several industrial designs in the following cases:  
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a) Industrial designs of a set of articles which contains several products expressing a  
single common inventive idea and that are used together or for a single purpose;  
b) An industrial design accompanied by one or more other variants i.e. variations of the  
industrial design that express a single common inventive idea and that are not  
significantly different from the industrial design.  
4. Each registration application may request for one Mark registration Certificate in respect  
of one mark to be used for one or more different goods or services.  
**Article 102. Requirements for invention registration applications**1. Documents identifying the invention claimed for protection in an invention registration  
application shall include a Specification of the invention and an Abstract of invention  
consisting of a description of invention and a scope of protection of invention.  
2. The Description of invention shall fulfill the following conditions:  
a) To sufficiently and clearly disclose the nature of the invention to the extent that such  
invention may be carried out by a person having ordinary knowledge in the art;  
b) To briefly explain the drawings, if it is required to further clarify the nature of the  
invention; and  
c) To clarify the novelty, inventive step and susceptibility of industrial application of the  
invention.  
3. The Scope of protection of invention shall be expressed in the form of a combination of  
those technical features necessary and sufficient to identify the scope of the rights to that  
invention, and must be in line with the Specification of invention and drawings.  
4. The Abstract of invention shall disclose the essential features of the nature of the  
invention.  
**Article 103. Requirements for industrial design registration applications**1. Documents identifying an industrial design claimed for protection in an industrial design  
registration application shall contain a Specification of industrial design and a set of  
photos or drawings of industrial design. The Specification of industrial design consists of  
a description of industrial design and a scope of protection of industrial design.  
2. The Description of industrial design shall fulfill the following conditions:  
a) To fully disclose features that express the nature of the industrial design and specify  
features that are new, different from the least different known industrial design, and be  
consistent with the photos or drawings;  
b) Where the industrial design registration application consists of variants, the description  
shall fully specify these variants and clearly define distinctions between the principal  
variant and the other variants;  
c) Where the industrial design in the registration application is of a set of products, the  
description shall fully specify features of each product of the set.  
3. The Scope of protection of industrial design shall specify features claimed for protection,  
including features that are new, different from similar known industrial designs.  
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4. The set of photos, drawings shall fully specify features of the industrial design.  
**Article 104. Requirements for layout-design registration applications**Documents, materials and information identifying the layout-design claimed for protection in  
a layout-design registration application shall include:  
1. Drawings, photos of the layout-design;  
2. Information on functions and structure of semiconductor integrated circuits produced by  
incorporation of the layout design;  
3. Samples of a semiconductor integrated circuit produced by incorporation of that layoutdesign (where the layout design has been commercially exploited).  
**Article 105. Requirements of mark registration applications**1. Documents, samples, information identifying the mark claimed for protection in a mark  
registration application shall include:  
a) Samples of the mark and list of goods or services bearing the mark;  
b) Rules on using collective mark or Rules on using certification mark.  
2. The sample of mark shall be described in order to clarify elements of the mark and the  
comprehensive meaning of the mark (if any); where the mark consists of words or phrases  
of hieroglyphic languages, they shall be transliterated; where the mark consists of words  
or phrases in foreign languages, they shall be translated into Vietnamese.  
3. Goods or services listed in a mark registration application shall be classified in accordance  
with the Classification List under the Nice Agreement on International Classification of  
Goods and Services, published by the State administrative authority of industrial property  
rights.  
4. The rule on using collective mark shall consist of the following essential contents:  
a) Designation, address, grounds of establishment and operations of the collective  
organization that is the owner of the mark;  
b) Conditions to become a member of the collective organization;  
c) List of organizations and individuals permitted to use the mark.  
d) Conditions for using the mark;  
dd) Remedies applicable to acts violating the rules on using the collective mark;  
5. The rules on using certification mark shall have the following essential contents:  
a) The organization or individual who is the mark owner;  
b) Conditions for using the mark;  
c) Characteristics of goods and services certified by the mark;  
d) Methods of evaluation of the characteristics of goods and services and methods of  
supervision of the use of the mark;  
dd) Expenses payable by the mark user for the certification and protection of the mark, if  
any.  
**Article 106. Requirements of geographical indication applications**  
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1. Documents, specimen and information identifying the geographical indication claimed for  
protection in a geographical indication application shall include:  
a) The name or sign that is the geographical indication;  
b) The product bearing the geographical indication;  
c) Description of peculiar characteristics or quality, or reputation of the product bearing  
the geographical indication and characteristics of natural conditions attributing to the  
peculiar characteristics or quality, or reputation of the product (hereinafter referred to  
as the Descriptions of peculiar characteristics);  
d) The map of the geographical area corresponding to the geographical indication;  
d’) Documents evidencing that the geographical indication is under protection in the  
country of origin if it has foreign origin;  
2. The Descriptions of peculiar the characteristics shall have the following essential contents:  
a) Descriptions of the relevant product, including raw materials, and physical, chemical,  
microbiological and perceptive characteristics of the product;  
b) Methods of determination of the geographical area corresponding to the geographical  
indication;  
c) Evidence proving that the product originates from such geographical area, with the  
respective meaning provided for in Article 79 of this Law;  
d) Descriptions of the local and stable methods of the production and processing;  
dd) Information on the relationship between the peculiar characteristics or quality, or  
reputation of the product and the natural conditions as provided for in Article 79 of  
this Law;  
e) Information on the self-control mechanism of the peculiar characteristics or quality of  
the products.  
**Article 107. Investment with authority of representation in industrial property right  
related procedures**1. The investment with authority to carry out procedures in relation to the establishment,  
maintenance, extension, amendments, termination and invalidation of Protection Titles  
shall be made in written form, called as a power of attorney.  
2. A power of attorney shall include the following essential contents:  
a) Full name and address of the principal and the attorney;  
b) Scope of authority;  
c) Validity term of the power of attorney;  
d) Date of the power of attorney;  
dd) Signature and seal (if any) of the principal;  
3. A power of attorney with no validity term shall be considered as valid indefinitely and shall  
be terminated only when the principal so declares.  
**Section 3. Procedures for processing industrial property registration applications**  
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**and granting Protection Titles  
Article 108. Receiving industrial property registration applications; Filing date**1. An industrial property registration application shall only be received by State  
administrative authority of industrial property rights if it consists of at least the following  
documents and information:  
a) A request for registration of invention, industrial design, layout-design, mark or  
geographical indication which include adequate information to identify the applicant  
and a sample of mark, list of the goods or services bearing the mark for a mark  
registration application;  
b) Specifications, including Scope of protection for invention registration applications, a  
set of photos or drawings for industrial design registration applications; Descriptions of  
the peculiar characteristics for geographical indication registration applications;  
c) Receipt of prescribed fees and charges.  
2. The filing date shall be the date on which the application is received by the State  
administrative authority of industrial property rights or the international filing date in case  
of applications filed under international treaties.  
**Article 109. Formal examination of industrial property registration applications**1. Industrial property registration applications shall be examined as to form in order to verify  
their formal validity.  
2. An industrial property registration application shall not be regarded as being formally  
valid in the following circumstances:  
a) The application does not fulfill the requirements of formality;  
b) The subject matter of the application is not eligible for protection;  
c) The applicant does not have the right to registration, including where the right belongs  
to more than one persons but one or several of them do not agree to execute the filing;  
d) The application was filed in contrary to the mode of filing as provided for in Article 89  
of this Law;  
d’) The applicant fails to pay the fees and charges.  
3. With regard to an industrial property registration application falling under paragraph 2 of  
this Article, the State administrative authority of industrial property rights shall carry out  
the following procedures:  
a) To serve a notice of an intended refusal to accept the application as formally valid, in  
which the reasons are clearly stated with a set time limit for the applicant to overcome  
defects or to object such intended refusal;  
b) To serve a notice of the refusal to accept the application as formally valid if the  
applicant fails to overcome defects and fails to have justifiable objection to such  
intended refusal as provided for in subparagraph a of this paragraph;  
c) To serve a notice of the refusal to grant a Layout-design of semiconductor integrated  
circuit registration Certificate in case of an integrated circuit registration application;  
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d) To carry out the procedures provided for in paragraph 4 of this Article if the applicant  
has successfully overcome defects or has justifiably objected the intended refusal as  
provided for in subparagraph a of this paragraph.  
4. With regard to an industrial property registration application not falling under the cases  
provided for in paragraph 2 of this Article, or under subparagraph d of paragraph 3 of this  
Article, the State administrative authority of industrial property rights shall serve a notice  
of the acceptance of a formally valid application or, in case of a layout-design application,  
grant a Protection Title and acknowledge into the National register for Industrial Property  
as provided for in Article 118 of this Law.  
5. A mark registration application refused under paragraph 3 of this Article shall be  
considered as never filed, except where it serves as the basis for a claim for right of  
priority.  
**Article 110. Publication of industrial property registration applications**1. An industrial property registration application which has been accepted as being valid by  
the State administrative authority of industrial property rights shall be published in the  
Industrial Property Official Gazette in accordance with the provisions of this Article.  
2. An invention registration application shall be published in the 19th month as from the  
filing date or the priority date as applicable, or as earlier as requested by the applicant.  
3. An industrial design registration application, a mark registration application or a  
geographical indication registration application shall be published within 2 months as  
from the date the application is accepted as formally valid.  
4. A layout-design registration application shall be published by way of allowing direct  
access at the State administrative authority of industrial property rights provided that no  
reproduction is permissible; with regard to such confidential information contained in an  
application, such access shall be permitted only to authorities and parties related to the  
completion of procedures of invalidation of Protection Title or completion of procedures  
of dealing with infringements of right.  
The basic information on a layout-design registration application and the Protection Title for  
a layout-design shall be published within 2 months as from the grant date of Protection  
Title.  
**Article 111. Secret keeping of invention registration applications, industrial design  
registration applications before publication**1. Until an invention registration application or an industrial design registration application  
is published in the Industrial Property Official Gazette, the State administrative authority  
of industrial property rights shall be responsible to keep it secret.  
2. The staff member of the State administrative authority of industrial property rights who  
disclosed information of an invention registration application or an industrial design  
registration application shall be disciplined and shall pay compensation for any damage  
caused to the applicant by such disclosure in accordance with the law.  
**Article 112. Third parties’ opinions on the grant of Protection Titles**  
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As from the date an industrial property registration application is published the Industrial  
Property Official Gazette until prior to the date of decision on the grant of a Protection Title,  
any third party shall have the right to present opinions to the State administrative authority of  
industrial property rights in relation to the grant or refusal of a Protection Title in respect of  
the application. Such opinions must be given in written form and be accompanied by materials  
or must specify the source of information used for proving.  
**Article 113. Request for substantive examination of invention registration applications**1. Within 42 months as from the filing date or from the priority date, as applicable, the  
applicant or any third party may request the State administrative authority of industrial  
property rights to examine the application as to substance of the application, provided that  
substantive examination fees shall be paid.  
2. The time limit for making request for substantive examination of an invention registration  
application with request for a Utility Solution Patent shall be 36 months as from the filing  
date or from the priority date, as applicable.  
3. Where there was no request for substantive examination filed within the time limit  
provided for in paragraphs 1 and 2 of this Article, the respective invention registration  
application shall be regarded as being withdrawn at the expiration of that time limit  
**Article 114. Substantive examination of industrial property registration applications**1. The following industrial property registration applications shall be examined as to  
substance in order to evaluate eligibility for protection in respect of protection  
requirements of the subject matters claimed in the applications and to determine the  
respective scope of protection:  
a) Invention registration applications accepted as formally valid of which a request for  
substantive examination has been filed as prescribed;  
b) Industrial design registration applications, mark registration applications and geographical  
indication registration applications that are accepted as formally valid;  
2. Layout-design registration applications shall not be examined as to substance.  
**Article 115. Amendment, supplement, division and conversion of industrial property  
registration applications**1. Until the State administrative authority of industrial property right makes a notice of  
refusal of or a decision on the grant of a Protection Title, the applicant shall have the  
following rights:  
a) To make amendment or supplement to the application;  
b) To divide the application;  
c) To request for recording changes in name or address of the applicant;  
d) To request for recording changes in the applicant as a result of assignment under the  
contract, as a result of inheritance, bequest, or under a decision of an authority;  
d’) To convert an invention registration application with request for an Invention Patent  
into an invention registration application with request for a Utility Solution Patent and  
vice versa.  
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2. The person who requests for the procedures provided for in paragraph 1 of this Article  
shall pay fees and charges.  
3. Any amendment or supplement to an industrial property registration application must not  
expand the scope of the subject matter disclosed or specified in the application and must  
not change the substance of the subject matter claimed for registration in the application  
and shall ensure the unity of the application.  
4. In case of division of an application, the filing date of the divided application shall be  
determined as that of the original application.  
**Article 116. Withdrawal of industrial property registration applications**1. Until the State administrative authority of industrial property rights makes a notice of  
refusal of or a decision on the grant of a Protection Title, the applicant shall have the right  
to declare the withdrawal of the industrial property registration application in written form  
in his or her own name or through an industrial property representative agency provided  
that the investment of authority for withdrawal of the application is expressly stated in the  
power of attorney.  
2. At the moment an applicant state the withdrawal of the registration application, all further  
procedures related to the application shall be suspended; fees and charges which already  
paid in relation to the procedures that have not been yet commenced shall be refunded to  
the applicant at his or her request.  
3. Any registration application for an invention or an industrial design which has been  
withdrawn or is considered as withdrawn before publication and any mark registration  
application which has been withdrawn shall be considered as never filed, except where it  
serves as the basis for a claim for right of priority.  
**Article 117. Refusal to grant Protection Titles**1. The grant of a Protection Title shall be refused in respect of an application for an  
invention, an industrial design, a mark or a geographical indication in the following cases:  
a) There are grounds to confirm that the respective subject matter claimed in the  
application does not fulfill the protection requirements;  
b) The application satisfies all the conditions for the issue of a protection title but is not  
the application with the earliest filing date or priority date as in the case referred to in  
Article 90.1 of this Law.  
c) The application falls within the cases referred to in Article 90.1 of this Law but a  
consensus of all the applicants is not reached.  
2. The grant of a Protection Title shall be refused in respect of a layout-design registration  
application that does not fulfill the formality requirements as provided for in Article 109  
of this Law.  
3. Where an industrial property registration application falls under paragraphs 1 and 2 of this  
Article, the State administrative authority of industrial property rights shall carry out the  
following procedures:  
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a) To serve a notice of an intended refusal to grant a Protection Title, in which the  
reasons are clearly stated with a set time limit for the applicant to oppose to such  
intended refusal;  
b) To serve a notice of the refusal to grant a Protection Title if the applicant has no  
objection or has unjustifiable objection to such intended refusal provided for in  
subparagraph a of this paragraph;  
c) To grant a Protection Title and acknowledge it into the National Register for Industrial  
Property in accordance with provisions of Article 118 of this Law if the applicant has  
justifiable objection to such intended refusal provided for in subparagraph a of this  
paragraph.  
4. Where there is a protest made against the intention to grant a protection title, the relevant  
industrial property registration application shall be re-examined with regard to the matters  
being protested against.  
**Article 118. Grant of Protection Titles; Entry into Register**Where an industrial property registration application does not fall under paragraphs 1 and 2 or  
and subparagraph b of paragraph 3 of Article 117 of this Law and the applicant has paid fees,  
the State administrative authority of industrial property rights shall decide to grant a protection  
tile and acknowledge it in the National Register for Industrial Property.  
**Article 119. Time limit for processing industrial property registration applications**1. An industrial property registration application shall be examined as to form within 1  
month from the filing date.  
2. An industrial property registration application shall be examined as to substance within  
the following time limits:  
a) 12 months for an invention registration application from the date of publication of the  
application if a request for substantive examination of application is made before the  
date of publication or from the date of request for substantive examination of the  
application if such request is made after the date of publication;  
b) 6 months from the date of publication of the application as far as industrial designs,  
marks and geographical indications are concerned.  
3. The time limit for re-examination of industrial property registration applications shall be  
equal to two thirds of, and in complicated cases extendable up to, the time limit for initial  
examination.  
4. The time allowed for amendment or supplement of applications shall not be counted in the  
time limits referred to in paragraphs 1, 2 and 3 of this Article.  
**Section 4. International applications and the processing thereof  
Article 120. International applications and the processing thereof**1. Industrial property registration applications filed under international treaties to which the  
Socialist Republic of Vietnam is party shall be generally referred to as international  
applications.  
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2. International applications and the processing thereof shall comply with the relevant  
international treaty.  
3. The Government shall provide for guidelines on the implementation of provisions on  
international applications, orders and procedures for the processing thereof pursuant to the  
principles stipulated in this Chapter.  
**Chapter IX  
OWNERS, SCOPE AND LIMITATIONS OF INDUSTRIAL PROPERTY RIGHTS  
Section 1. Owners and scope of industrial property rights  
Article 121. Owners of industrial property objects**1. The owner of an invention, industrial design or layout design shall be the organization or  
individual that is the grantee of a Protection Title of the relevant industrial property object  
by the competent authority.  
The owner of a mark shall be the organization or individual that is granted by the  
competent authority a Protection Title of such mark or that has an internationally  
registered mark as recognized by the competent agency or that has a well-known mark.  
2. The owner of a trade name shall be the organization or individual that legally uses it in the  
course of business.  
3. The owner of a business secret shall be the organizations or individuals that has legally  
acquired the business secret and keep it secret. A business secret acquired by an employee  
or a party carrying out the assigned duty during performance of assigned duties shall  
belong to the employer or the duty assignor, unless otherwise agreed by the parties.  
4. The owner of Vietnam’s geographical indications is the State.  
The State grants the right to use geographical indications to the organizations or  
individuals producing the products bearing geographical indication in a relevant locality  
and putting those products out to the market. The State shall directly exercise the right to  
manage geographical indications or shall grant that right to the organization acting as the  
representative of all other organizations or individuals granted with the right to use  
geographical indications.  
**Article 122. Authors of inventions, industrial designs and layout designs and their rights**1. The author of an invention, industrial design or layout design shall be the person who has  
directly created the industrial property object. Where more than one person together have  
directly created the industrial property object they shall be co-owners.  
2. Personal rights of the author of an invention, industrial design or layout design comprise  
of the following:  
a) To be named as the author in the relevant Invention Patent, Utility Solution Patent,  
Industrial design Patent or Layout design registration Certificate;  
b) To be named as the author in the documents in which the invention, industrial design  
or layout design is published or introduced.  
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3. Property right of the author of an invention, industrial design or layout design is the right  
to remuneration in accordance with Article 135 of this Law.  
**Article 123. Rights of owners of industrial property objects**1. The owner of an industrial property object shall have the following property rights:  
a. To use or permit others to use the industrial property object in accordance with Article  
124 and Chapter X of this Law;  
b. To prohibit others from using the industrial property object in accordance with Article  
125 of this Law;  
c. To dispose off the industrial property object in accordance with Chapter X of this Law;  
2. An organization or individual who is granted by the State the right to use or manage  
geographical indications in accordance with Article 121.4 of this Law shall have the  
following rights:  
a. An organization which is granted the right to manage geographical indications shall  
have the right to allow another person to use such geographical indications in  
accordance with clause 1(a) of this Article.  
b. An organization or individual who is granted by the State the right to use or an  
organization that is granted the right to manage geographical indications shall have the  
right to prohibit other persons from using such geographical indications in accordance  
with clause 1(b) of this Article.  
**Article 124. Use of industrial property objects**1. The use of an invention means the conduct of the following acts:  
a) Manufacturing the protected product;  
b) Applying the protected process;  
c) Exploiting the uses of the protected product or a product obtained by the protected  
process;  
d) Circulating, or advertising, offering, stocking for circulating the product provided for  
in subparagraph c of this paragraph;  
dd) Importing such product as provided for in subparagraph c of this paragraph.  
2. The use of an industrial design means the conduct of the following acts:  
a) Manufacturing products with appearance embodying the protected industrial design;  
b) Putting into circulation, or advertising, offering and storing for circulation of such  
products as provided for in subparagraph a of this paragraph;  
c) Importing such product as provided for in subparagraph a of this paragraph;  
3. The use of a layout design means the conduct of the following acts:  
a) Reproducing the layout-design or manufacturing a semi-conductor integrated circuit by  
incorporation of the protected layout-design;  
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b) Selling, leasing, advertising, offering or storing a copy of the protected layout-design,  
a semi-conductor integrated circuit manufactured by incorporation of the protected  
layout-design or an article incorporating such a semi-conductor integrated circuit;  
c) Importing a copy of the protected layout-design, a semi-conductor integrated circuit  
manufactured by incorporation of the protected layout-design or an article  
incorporating such a semi-conductor integrated circuit.  
4. The use of a business secret means the conduct of the following acts:  
a) Applying the business secret to manufacture products, supply services or trade in  
goods;  
b) Selling, advertising for sale, storing for sale and importing a product obtained by  
applying the business secret.  
5. The use of a mark means the conduct of the following acts:  
a) Affixing the protected mark to goods, packages of goods, means of business or  
supplying services and communicating papers in business activities;  
b) Circulating, or offering, advertising, storing for sale of, goods bearing the protected  
mark;  
c) Importing goods or services bearing the protected mark.  
6. The use of a trade name means the conduct of any acts for commercial purposes by using  
it to name oneself in business activities, expressing it in transaction documents, shopsigns, products, goods, and packages of goods and means of service and advertisements.  
7. The use of a geographical indication means the conduct of the following acts:  
a) Affixing the protected geographical indication to goods or packages of goods, means  
of business and transaction documents during business activities;  
b) Circulating, or offering, advertising, storing for sale of, goods bearing the protected  
geographical indication;  
c) Importing goods bearing the protected geographical indication.  
**Article 125. Right to prevent others from using industrial property objects**1. The owner of an industrial property subject matter and the organization or individual  
granted the right to use or manage geographical indication shall have the right to prevent  
others from using the respective industrial property subject matter unless such use falls  
under cases provided for in paragraph 2 or 3 of this Article.  
2. The owner of an industrial property object and the organization or individual granted the  
right to use or manage geographical indication shall not have the right to prevent others  
from conducting the following acts:  
a) Using the invention, industrial design or layout design for personal needs or noncommercial purposes, or for evaluations, analysis, research or teaching, testing, pilot  
production or for developing information to carry out procedures for license of  
production, importation or marketing of products;  
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b) Circulating, importing, exploiting uses of, the products having been legally put into the  
marketplace, including foreign markets, except for such products put into foreign  
markets by persons other than the mark owner or his licensee;  
c) Using the invention or industrial design only for the purpose of maintaining the  
operation of a foreign vehicle in transit or only temporarily being in the territory of  
Vietnam;  
d) Using the invention, industrial design or layout design by the person with prior user  
right in accordance with Article 134 of this Law;  
dd) Using the invention by the person authorized by the state authority in accordance with  
Articles 145 and 146 of this Law;  
e) Using the layout design when not knowing having no obligation to know the fact that it  
has been protected.  
g) Using a mark identical with or similar to a protected geographical indication if such  
mark has acquired the protection in a truthful manner before the date of filing of a  
registration application for such geographical indication.  
h) Using in a truthful manner the name, descriptive symbols of the type, quantity, quality,  
utility, value, geographical origin and other specifications of goods and services.  
3. The owner of a business secret shall not have the right to prevent others from conducting  
the following acts:  
a) Disclosing or using the business secret acquired without knowing or without obligation  
to know that it has been illegally acquired by others;  
b) Disclosing the business secret in order to protect the public in accordance with the  
provisions of Article 128.1 of this Law.  
c) Using secret data in accordance with Article 128 of this Law for non-commercial  
purposes;  
d) Disclosing or using the business secret created independently by others;  
e) Disclosing or using business secrets resulted from analyzing or evaluating legally  
distributed a product, unless otherwise agreed between the analyzers or evaluators and  
the owner of the business secret or the sellers or such product.  
**Article 126. Acts of infringement of rights to inventions, industrial designs and layout  
designs**The following acts shall be regarded as an infringement of the rights of the owner of an  
invention, industrial design or layout design:  
1. Using the protected invention, using the protected industrial design or another industrial  
design insufficiently different from it, or using the protected layout design or any original  
part of it, within the validity term of the Protection Title without permission of the owner;  
2. Using the invention, industrial design or layout design without paying compensation in  
accordance with the provisions on provisional right as provided for in Article 131 of this  
Law.  
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**Article 127. Acts of infringing the rights to business secrets**1. The following acts shall be considered as an infringement of the rights to a business secret:  
a) Accessing or acquiring information embodied in a business secret by taking acts  
against secret-keeping measures taken by the lawful controller of the business secret;  
b) Disclosing or using information embodied in a business secret without permission of  
the owner the business secret;  
c) Breaching secret-keeping contracts or deceiving, inducing, bribing, forcing, seducing  
or abusing the trust of persons in charge of secret-keeping in order to access, acquire or  
disclose a business secret;  
d) Accessing to or acquiring information embodied in a business secret, that is submitted  
by another person under procedures for granting a license of business or marketing in  
respect of a product, by actions against secret-keeping measures taken by competent  
agencies;  
dd) Using or disclosing business secret, while knowing or being obliged to know that it has  
been acquired by another person engaged in one of the acts referred to in  
subparagraphs a, b, c and d of this paragraph;  
e) Failure to perform the obligation of secret keeping provided for in Article 128 of this  
Law.  
2. The lawful controller of a business secret referred to in paragraph 1 of this Article shall  
include the owner, his or her lawful licensee or manager of the business secret.  
**Article 128. Obligation to keep secrecy of the test data**1. Where the laws require an applicant for a license of business or marketing in respect of  
pharmaceutical products or agricultural chemical products to submit test data or any other  
data being business secrets, the origination of which involves a considerable efforts or  
expenses, and where the applicant requests that such data to be kept secret, the authority  
shall have obligation to take necessary measures so that such data are neither used for  
unfair commercial purposes nor disclosed, except where the disclosure is necessary to  
protect the public.  
2. From the submission of the secret data in an application to the authority as provided for in  
paragraph 1 of this Article to the end of 5-year period as from the date on which a license  
is granted to the applicant, the authority shall not grant such a license to any subsequent  
applicant in whose application the secret data are used without permission of the person  
who submitted such data, except in the cases referred to in Article 125.3(d) of this Law.  
**Article 129. Acts of infringing the rights to marks, trade names and geographical  
indications**1. The following acts if performed without permission of the mark owner shall be considered  
as infringement of the rights to the mark:  
a. Using signs identical with a protected mark for goods or services identical with those  
in the list registered with the mark;  
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b. Using signs identical with a protected mark for goods or services similar or related to  
those in the list registered with the mark if such use is likely to cause confusion as to  
the origin of the goods or services;  
c. Using signs similar to a protected mark for the goods or services identical with, similar  
or related to those in the list registered with the mark, if such use is likely to cause  
confusion as to the origin of the goods or services;  
d. Using signs identical with or similar to a well-known mark, or signs in the form of  
translation or transliteration of a well-known mark, for any goods or services,  
including those dissimilar or unrelated to the good or service having the well-known  
mark, if such use is likely to cause confusion as to the origin of the goods or services  
or wrong impression as to the relationship between the user of such signs and the wellknown mark owner.  
2. Any act of using commercial indications identical with or similar to another person’s trade  
name having been used before for the same or similar goods or services that causes  
confusion as to business entities, business premises or business activities under the trade  
name shall be considered as infringement of the rights to the trade name.  
3. The following acts shall be considered as infringement of the rights to a protected  
geographical indication:  
a. Using the protected geographical indication for products that do not satisfy the peculiar  
characteristics and quality of the product having the geographical indication although  
such products originate from a geographical area bearing such geographical indication;  
b. Using the protected geographical indication for products similar to the product having  
the geographical indication for the purposes of taking advantage of its the reputation  
and goodwill;  
c. Using a sign identical with or similar to the protected geographical indication for  
products not originating from the geographical area bearing the geographical indication  
and therefore causing consumers mislead about the products originating from that  
geographical area;  
d. Using a protected geographical indications of wines or spirits for the wines or spirits  
that are not originating in the territories corresponding to the geographical indication,  
even where the true origin of goods is indicated or the geographical indication is used  
in translation or transcription or accompanied by such words as “kind”, “type”, “style”,  
“imitation” or the like.  
**Article 130. Acts of unfair competition**1. The following acts shall be acts of unfair competition:  
a) Using commercial indications that cause confusion as to business entities or business  
activities or commercial source of goods or services;  
b) Using commercial indications that cause confusion as to the origin, production method,  
feature, quality, quantity or other characteristics of goods or services; or as to the  
conditions for provision of goods and services;  
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c) Using a mark being protected in a country which is party to an international treaty to  
which the Socialist Republic of Vietnam is a party under which provisions, the  
representative or agent of the mark owner is prohibited from using the mark, if the user  
was a representative or agent of the mark owner and such use was neither consented to  
by the mark owner nor justified;  
d) Registering or possessing the right to use or using a domain name identical with or  
confusingly similar to a protected trade name or mark of another person, or a  
geographical indication that one does not have the right to use, for the purpose of  
possessing the domain name, benefiting from or prejudicing reputation and goodwill of  
the respective mark, trade name and geographical indication.  
2. The commercial indications referred to in paragraph 1 of this Article mean signs,  
information serving as guidelines to trade of goods and services, including marks, trade  
names, business symbols, business slogans, geographical indications, package designs,  
label designs, etc.  
3. Use of commercial indications referred to in paragraph 1 of this Article shall include any  
act of affixing such commercial indications on goods, packaging, service means, business  
transaction documents and advertising means; selling, advertising for sale, storing for sale  
and importing goods affixed with such commercial indications.  
**Article 131. Provisional rights to inventions, industrial designs and layout designs**1. Where an applicant for registration of an invention or industrial design knows that the  
invention or industrial design is being used by another person for commercial purposes  
without prior use right, the applicant shall have the right to serve a written notice of his or  
her application filing which specifies the filing date and the date of publication of the  
application in the Industrial Property Official Gazette to such user so that the later shall  
terminate or continue such use.  
2 With respect to a layout-design which has, before the grant date of Layout-design of  
semiconductor integrated circuit registration Certificate, been commercially exploited by  
the person having the right to registration or his licensee, in case the person having the  
right to registration knows that such layout-design is being used by another person for  
commercial purposes, he or she may serve a written notice of his or her right to  
registration to such user so that the later shall terminate or continue such use.  
3. In case the person having been notified as provided for in paragraphs 1 and 2 keeps using  
such invention, industrial design or layout design, if an Invention Patent, a Utility solution  
Patent, an Industrial Design Patent or a Layout-design of semiconductor integrated circuit  
registration Certificate is issued, the owner of such invention, industrial design or layout  
design shall have the right to request such user of the invention, industrial design or layout  
design to pay a remuneration equivalent to the fee for licensing such invention, industrial  
design or layout design within the relevant scope and period of use.  
**Section 2. Limitations to industrial property rights  
Article 132. Factors limiting industrial property rights**Under this Law, industrial property rights may be limited by the following factors:  
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1. Rights of prior users to the invention or industrial design.  
2. Obligations of the owners including:  
a) To pay remuneration to the authors of inventions, industrial designs or layout  
designs;  
b) To use the inventions or marks; and  
3. To transfer the right to use inventions under decisions of State authorities.  
**Article 133. Rights to use inventions on behalf of the state**1. Ministries and ministerial-level authorities shall have the right to, on behalf of the State,  
use or allow other organizations or individuals to use inventions in the field under their  
respective management for public non-commercial purposes, national defense, security,  
disease prevention, treatment and nutrition for people and to meet other urgent social  
needs without having to obtain permission of the invention owner or his licensee under an  
exclusive contract (to be referred to as **holder of exclusive right to use invention** ) in  
accordance with Articles 145 and 146 of this Law.  
2. The use of an invention under paragraph 1 of this Article shall be limited to the scope and  
conditions of licensing provided for in paragraph 1 of Article 146 of this Law, except for  
inventions created by using money and material and technical facilities from the State  
funds.  
**Article 134. Prior use right to inventions and industrial designs**1. In case any person who has, before the publication date of a registration application for an  
invention or industrial design, used or made necessary preparation for use of an invention  
or industrial design identical with the protected invention or industrial design stated in the  
registration application but create independently (hereinafter referred to as prior use right  
holder), then after a Protection Title is granted such person shall be, without having to  
obtain permission of or paying compensation to the owner of the protected invention or  
industrial design, entitled to continue such use within the same scope and volume of use or  
preparation made before the publication date. Such exercise of the right of the prior use  
right holder of invention or industrial design shall not be regarded as an infringement of  
the right of the invention or industrial design owner.  
2. The holder of prior use right to an invention or industrial design shall not be entitled to  
transfer such right to others, except where such right is transferred together with the  
business or production premise where such the use or preparation for use of the invention  
or industrial design was made. The hold of prior use right cannot expand the scope and  
volume of use unless it is so permitted by the owner of the invention or industrial design.  
**Article 135. Obligation to pay remuneration to authors of inventions, industrial designs  
and layout designs**1. The owner shall have the obligation to pay remuneration to the author in accordance with  
paragraphs 2 and 3 of this Article, except where otherwise agreed by the parties.  
2. The minimum rate of remuneration payable by the owner to the author shall be as  
provided for below:  
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a) 10% of the revenue gained by the owner from the use of the invention or industrial  
design or layout design;  
b) 15% of the total amount of money received by the owner on each payment upon the  
granting of a license of the invention or industrial design or layout design.  
3. Where an invention, industrial design or layout design is created by more than one author,  
the remuneration rate provided for in paragraph 2 of this Article shall be applicable to all  
authors together. The authors shall settle by themselves the allocation of such  
remuneration paid by the owner.  
4. The obligation to pay remuneration to the author of an invention, industrial design or  
layout design shall last for the whole term of protection of such invention, industrial  
design or layout design.  
**Article 136. Obligation to use inventions and marks**1. The owner of an invention shall be obliged to manufacture the protected product or to  
apply the protected process to satisfy the needs of national defense, security, disease  
prevention, treatment and nutrition for people or to meet other social urgent needs. If the  
owner of an invention fails to perform such obligation when there arise any of the above  
mentioned needs, the State authority may grant licenses of the invention to others as  
provided for in Articles 145 and 146 of this Law.  
2. The owner of a mark shall be obliged to use it continuously. The validity of ownership  
right of a mark shall be terminated if it has not been used for a continuous period of more  
than 5 years in accordance with Article 95 of this Law.  
**Article 137. Obligations to permit the use of main inventions for the purpose of using  
dependent inventions**1. A dependent invention means an invention that is created on the basis of another invention  
(hereinafter called the principle invention) and can only be used on condition of using the  
principle invention.  
2. Having proved that an independent invention creates an important technical advance as  
compared to the principle invention or has a considerable economic significance, the  
owner of the dependent invention may request the owner of the principle invention to  
grant a license of the principle invention subject to reasonably commercial price and  
conditions.  
In case the owner of a principle invention fails to meet the requirements of the owner of  
the independent invention, without justifiable reasons, to perform such obligation  
provided for in this paragraph, the State competent authority may, without his or her  
permission, grant to the owner of the dependent invention a license of the principle  
invention as provided for in Articles 145 and 146 of this Law.  
**Chapter X  
TRANSFER OF INDUSTRIAL PROPERTY RIGHTS  
Section 1. Assignment of industrial property rights  
Article 138. General provisions on assignment of industrial property rights**  
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1. Assignment of an industrial property right means the transfer of ownership right by the  
industrial property owner to another organization or individual.  
2. The assignment of an industrial property right shall be conducted in the form of written  
contract (hereinafter referred to as contract for assignment of industrial property right).  
**Article 139. Restrictions to assignment of industrial property rights**1. An industrial property right owner shall only assign his or her right within the scope of  
protection.  
2. The rights to a geographical indication shall not be assigned.  
3. The rights to a trade name shall only be assigned together with the transfer of the entire  
business premise and business activities under the trade name.  
4. The assignment of the rights to a mark shall not cause confusion as to characteristics or  
origin of the goods or services having the mark.  
5. The rights to a mark shall only be assigned to the organizations or individuals who fulfill  
requirements for the person having the right to registration in respect of that mark.  
**Article 140. Contents of contracts for assignment of industrial property rights**A contract for assignment of industrial property right shall have the following substantial  
provisions:  
1. Full name and address of the assignor and the assignee;  
2. Bases of assignment;  
3. Price for assignment;  
4. Rights and obligations of the assignor and the assignee.  
**Section 2. Licensing of industrial property objects  
Article 141. General provisions on licensing of industrial property objects**1. Licensing of an industrial property object means the permission of the industrial property  
owner given to another organization or individual to use the industrial property object  
within the scope of the owner’s use right.  
2. The licensing of an industrial property object shall be conducted in the form of written  
contract (hereinafter referred to as license contract for use of industrial property object).  
**Article 142. Restrictions to licensing of industrial property objects**1. The right to use a geographical indication or a trade name shall not be licensed.  
2. The right to use of a collective mark shall not be licensed to organizations or individuals  
other than members of the collective mark owner.  
3. The licensee shall not enter into a sub-license contract with a third party without  
permission of the licensor.  
4. A mark licensee shall have the obligation to indicate on goods and packaging thereof that  
the goods have been produced under a contract for use of mark.  
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5. An invention licensee under an exclusive contract shall have the obligation to use such  
invention in the same manner as the invention owner in accordance with Article 136.1 of  
this Law.  
**Article 143. Types of contracts for use of industrial property objects**License contracts for use of industrial property object may be of the following types:  
1. Exclusive license contract means a contract under which, within scope and term of license,  
the licensee has an exclusive right to use the industrial property object while the licensor  
can neither conclude any license contracts for use of industrial property object with any  
third party nor, without permission of the licensee, use the industrial property object;  
2. Non-exclusive license contract means a contract under which, within scope and term of  
licensing, the licensor still has the rights both to use the industrial property object and also  
to conclude non-exclusive contracts with others.  
3. Sub-license contract for use of an industrial property object means a contract the licensor  
of which is a licensee of the industrial property object under another contract.  
**Article 144. Contents of license contracts for use of industrial property objects**1. A license contract for use of industrial property object shall have the following substantial  
provisions:  
a) Full name and address of the licensor and the licensee;  
b) Bases of the license;  
c) Type of the contract;  
d) Scope of the license (limitations to use; territorial limitations);  
dd) Term of license;  
e) Price for the license;  
g) Rights and obligations of the licensor and the licensee.  
2. A license contract for use of industrial property object shall not have such provisions that  
unreasonably restricts the right of the licensee, particularly those provisions not deriving  
from the rights of the licensor as follows:  
a) Prohibiting the licensee to improve the industrial property object other than marks;  
compelling the licensee to grant a free license or to assign to the licensor the right to  
industrial property registration or an industrial property right in respect of such  
improvements;  
b) Directly or indirectly restricting the licensee to export goods produced or services  
supplied under the license contract for use of industrial property object to the territories  
where the licensor neither hold the respective industrial property right nor has the  
exclusive right to import such goods;  
c) Compelling the licensee to buy all or a given percentage of materials, components or  
equipments from the licensor or the persons designated by the licensor without aiming  
at ensuring the quality of goods produced or services supplied under the licensee;  
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d) Prohibiting the licensee from contesting validity of the industrial property right or the  
right to license.  
3. Any terms in the contract as referred to in the cases of clause 2 of this Article shall be  
invalid ex-officio.  
**Section 3. Compulsory licensing of inventions  
Article 145. Bases of compulsory licensing of inventions**1. In the following cases, the right to use an invention shall be transferred to another  
organization or individual to use by a decision of a state competent authority as provided  
for in Article 147.1 of this Law without having to obtain permission from the holder of  
exclusive right to use such invention:  
a) Where such use of the invention is for public non-commercial purposes such as for  
meeting needs of national defense, security, people’s healthcare and nutrition or other  
urgent needs of the society.  
b) Where the holder of exclusive right to use invention fails to fulfill the obligation of  
using such invention provided for in paragraph 1 Article 136 and paragraph 5 Article  
142 of this Law upon the expiration of a 4-year period as from the date of filing of a  
registration application for such invention and expiration of a 3-year period as from the  
date of issue of an invention patent;  
c) Where the person who wants to use the invention fails, in spite of efforts made after a  
reasonable time for negotiation on adequate price and commercial considerations, to  
reach an agreement with the holder of exclusive right to use invention upon the  
conclusion of a license contract for use of invention;  
d) Where the holder of exclusive right to use invention is determined to perform an act of  
anti-competition prohibited under the competition legislation;  
2. The holder of exclusive right to use invention has the right to request for termination of  
such right of use when the bases of compulsory licensing provided for in clause 1 of this  
Article cease to exist and are unlikely to recur, provided that such termination shall not  
prejudicial to the invention licensee;  
**Article 146. Conditions of limitation to the right to use inventions transferred under  
compulsory decisions**1. The transfer under a decision of a state competent authority shall be in compliance with  
the following conditions:  
a) Such right of use is non-exclusive;  
b) Such right of use shall only be limited to such a scope and period sufficient to attain  
the aim of the compulsory licensing, and predominantly for the supply of the domestic  
market, except for the cases referred to in Article 145.1(d) of this Law. With regard to  
an invention in semi-conductor technology, compulsory licensing shall only aim at the  
public non-commercial purposes or for the purpose of dealing with an anti-competitive  
act under competition law;  
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c) The licensee shall not assign such right of use, except with the assignment of his or her  
business premise, or not grant a sub-license to others;  
d) The licensee shall pay the holder of exclusive right to use invention adequate  
remuneration in circumstances of each specific case, taking into account the economic  
value of such right of use, in compliance with the remuneration frame provided for by  
the Government;  
2. In addition to those conditions provided for in paragraph 1 of this Article, the right to use  
an invention as transferred in any of the cases referred to in Article 137.2 of this Law shall  
also have to meet the following conditions:  
a) The holder of exclusive right to use the principal invention shall also be entitled to  
transfer to right to use independent invention on reasonable terms; and  
c) The transferee of the right to use the principal invention shall not assign such right,  
except with the assignment of the whole right pertaining to the independent invention.  
**Article 147. Competency and procedures for licensing of inventions under compulsory  
decision**1. The Minister of Science and Technology shall make a decision on compulsory licensing  
for use of invention based on the consideration of a request for such a license in cases  
provided for in subparagraph b, c and d paragraph 1 Article 145 of this Law.  
Ministries, ministerial-level authorities shall, based on the consultation with the Minister  
of Science and Technology, make such a decision on transfer of the right to use inventions  
in the field under their respective management in the occurrence of circumstances  
provided for in subparagraph d paragraph 1 of Article 145 of this Law.  
2. A decision on compulsory licensing of inventions shall provide for appropriate scope and  
conditions of use in accordance with Article 146 of this Law.  
3. The state authority having decided on compulsory licensing shall promptly inform the  
holder of exclusive right to use invention about the decision.  
4. A decision on compulsory licensing and a decision on refusal of compulsory licensing  
shall be subject to an administrative appeal or a judicial litigation in accordance with the  
laws.  
5. The Government shall make specific provisions for on procedures of compulsory licensing  
of inventions as referred to in this Article.  
**Section 4. Registration of contracts for transfer of industrial property rights  
Article 148. Effect of contracts for transfer of industrial property right**1. For the industrial property rights established on the basis of registration as referred to in  
Article 6.3(a) of this Law, a contract for assignment of industrial property right shall only  
be effective upon registration with the state administration authority of industrial property  
rights.  
2. For the industrial property rights established on the basis of registration as referred to in  
Article 6.3(a) of this Law, a contract for use of industrial property object shall be effective  
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as agreed by the parties but shall only be effective to a third party upon registration with  
the state administration authority of industrial property rights.  
3. Validity of a licensing contract for use of industrial property object shall be terminated exofficio upon the termination of licensor’s industrial property right.  
**Article 149. Dossier for registration of contracts for transfer of industrial property right**A dossier for registration of a licensing contract for use of industrial property object or a  
contract for assignment of industrial property right shall comprise the following:  
1. A request for registration of contract, made in prescribed form;  
2. An original or a valid copy of the contract;  
3. The original of the Protection Title (in case of assignment of industrial property right);  
4. Co-owners’ written consent and a written explanation of the reason for disagreement of  
the rest co-owners if the industrial property right is under co-ownership;  
5. Receipt of fees and charges;  
6. Power of attorney, if the dossier is filed through a representative.  
**Article 150. Processing dossiers for registration contracts for transfer of industrial  
property right**The order and procedures of receiving and processing dossiers for registration of contracts for  
transfer of industrial property rights shall be provided for by the Government.  
**Chapter XI  
INDUSTRIAL PROPERTY REPRESENTATIVE  
Article 151. Industrial property representation service**1. Industrial property representation service includes the following types:  
a) Representing organizations, individuals before the state authorities having competence  
in establishment and enforcement of industrial property rights;  
b) Making advice on issues concerning procedures for establishment and enforcement of  
industrial property rights;  
c) Other services concerning procedures for establishment and enforcement of industrial  
property rights.  
2. Industrial property representative include an organization conducting business of industrial  
property representation service (hereinafter referred to as the industrial property agency)  
and an individual practicing industrial property representation service of such organization  
(hereinafter referred to as the industrial property agent).  
**Article 152. Scope of the rights of industrial property representatives**1. An industrial property agency shall only be entitled to provide services within the scope of  
authorization and to re-authorize another industrial property agency only with a written  
consent of the authorizing party.  
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2. An industrial property agency shall be entitled to waive its industrial property  
representation business after having legally transferred all pending works to another  
industrial property agency.  
3. An industrial property agency shall not perform the following activities:  
a) Simultaneously representing parties in conflict of industrial property rights;  
b) Withdrawing an application for Protection Title, declaring relinquishment of protection  
or withdrawing an appeal against the establishment of industrial property rights  
without consent of the authorizing party;  
d) Deceiving or forcing clients to conclude and implement contracts for industrial property  
representation services.  
**Article 153. Responsibilities of industrial property representatives**1. An industrial property representative shall have the following responsibilities:  
a) To clearly notify items and rates of fees and charges concerning procedures for  
establishment and enforcement of industrial property rights, items and rates of service  
charges under a service charge tariff registered at the state administrative authority of  
industrial property rights;  
b) To keep confidential all information and documents relating to a case of one’s  
representation;  
c) To truthfully and completely inform the represented party about all notifications,  
requirements of the state authority of establishment and enforcement of industrial  
property rights; to deliver in time the protection title and other decisions;  
d) To protect legitimate rights and interests of the represented party by satisfying in time  
all requirements for the represented party of the state authority of establishment and  
enforcement of industrial property rights;  
d’) To notify to the state authority of establishment and enforcement of industrial property  
rights all changes in name, address and other information of the represented party  
where necessary.  
2. An industrial property agency shall have civil liabilities for representative activities  
performed by its industrial property agent on behalf of the agency.  
**Article 154. Conditions for conducting industrial property representative service business**An organization that fulfill the following conditions shall be entitled to conduct business of  
industrial property representation service as an industrial property agency:  
1. To be an enterprise, a law firm, or a scientific and technological service organization  
established and operating legally;  
2. To have a function of conducting business of industrial property representation service,  
which is recorded in a certificate of business registration, or a certificate of operation  
registration (hereinafter referred to as the certificate of business registration);  
3. The head of the organization or a person authorized by the head shall fulfill conditions for  
industrial property service practice as provided for in paragraph 1 Article 155 of this Law.  
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**Article 155. Conditions for practicing as an industrial property agent**1. An individual who fulfills the following conditions shall be entitled to practice industrial  
property representation service:  
a) To be granted a Practicing certificate of industrial property agent;  
b) Working for one industrial property agency.  
2. An individual who fulfills the following conditions shall be granted a certificate of  
practicing industrial property representation service:  
a) To be a Vietnamese citizen, having full capacity for civil acts;  
b) To reside permanently in Vietnam;  
c) To have a university degree;  
d) To have directly worked in legislation of industrial property for at least 5 consecutive  
years; or have been directly worked in examination of industrial property applications  
at a national or international industrial property office for at least 5 consecutive years;  
or have a certificate of graduation from a training course on industrial property laws  
and regulations recognized by an authority;  
d’) Not to be an official or a public servant working for state authorities of establishment  
and enforcement of industrial property rights;  
e) To pass an examination on industrial property representative profession organized by an  
authority.  
2. The Government shall make specific provisions for the program of training on industrial  
property laws and regulations, the examination of industrial property representative  
profession, and the grant of a certification of practicing industrial property representation  
service.  
**Article 156. Recordation, deletion of names of industrial property agencies, revocation of  
Practicing certificates of industrial property agent**1. Organizations or individuals that fulfill conditions for conducting or practicing industrial  
property representation service provided for in the Articles 154 and 155 of this Law  
respectively shall be, at their request, recorded in the National Register of industrial  
property representatives and published in the Industrial Property Official Gazette by the  
state administrative authority of industrial property rights.  
2. In case where there is ground to know that an industrial property representative no longer  
fulfills conditions for conducting or practicing provided for in the Articles 154 and 155 of  
this Law, the state administrative authority of industrial property rights shall delete the  
name of such industrial property representative from the National Register of industrial  
property and publish the fact in the Industrial Property Official Gazette.  
3. An industrial property agency violating provisions of paragraph 3 Articles 152 and 153 of  
this Law shall be dealt with in accordance with the laws and regulations;  
4. An industrial property agent making profession mistakes while practicing or violating  
provisions of subparagraph c paragraph 3 Article 152 and subparagraph a paragraph 1  
Article 153 of this Law shall, depending on essence and gravity of the violation, be  
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subject to a warning, a monetary fine or revocation of practicing certificate of industrial  
property agent.  
**PART FOUR  
RIGHTS FOR THE PLANT VARIETY  
Chapter XI  
CONDITIONS FOR PROTECTION OF PLANT VARIETIES  
Article 157. Organization or Individual who can be protected the rights for plant variety**1. Organization or Individual who can be protected rights for plant variety are Organizations,  
Individuals which bred or discovered and developed the plant variety or invested in the  
task to breed or discover and develop the plant variety or the person to who was  
transferred the rights over the pant varieties.  
2. Organizations, Individuals mentioned in the Provision 1 of this Article include Vietnamese  
and organizations and individuals of foreign countries which enter into agreements on the  
protection of plant variety with the Socialist Republic of Vietnam; and foreign  
organizations and individuals which register a permanent residence in Vietnam or have a  
business or production establishment of plant variety in Vietnam.  
**Article 158. General conditions for plant varieties over which rights are protected**The plant variety over which rights are to be protected is a variety which is bred or discovered  
and developed, belonging to the List of species able to be protected by State issued by the  
Ministry of Agriculture and Rural Development, that variety is new, distinct, uniform, stable  
and has a proper denomination.  
**Article 159. Novelty of the plant variety**The variety shall be deemed to have novelty if the propagating or harvested material of the  
variety has not been sold or distributed in other ways for the purpose of exploitation by or  
with the consent of the holder of the registration right as referred to in Article 164 of this Law  
in the territory of Vietnam more than one year before the date of the application form is  
submitted; or outside Vietnam more than six years before the date of application form is  
submitted for trees or grape and 4 years for other species.  
**Article 160. Distinctness of the plant variety**1. The variety shall be deemed to have distinctiveness if it is clearly distinguishable in one or  
more major characteristics from any other variety whose existence is common knowledge  
at the time of filing or on the priority date, as the case may be.  
2. The common knowledge varieties as stipulated in paragraph 1 mean the varieties of one of  
the following cases:  
a) Propagating materials or harvested products of such variety have been widely used in  
the market of any country in the world at the time of filing of the registration  
application;  
b) The variety has been protected or registered into the List of plant species in any  
country;  
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c) The plant variety is still the subject of an application for protection or for the List of  
plant species in any country provided that application form was not refused.  
d) The plant variety which has had its description published.  
**Article 161. Uniformity of the plant variety**The variety shall be deemed to have uniformity in the propagation if there is the same  
expression of the relevant phenotype unless the variation is permitted for certain  
characteristic in its propagation process.  
**Article 162. Stability of the plant variety**The variety shall be deemed to be stable if the relevant phenotypic characteristics of that  
variety retain the same expression as originally described, and remain unchanged after each  
propagation crop or propagation cycle, as the case may be.  
**Article 163. Denomination of plant variety**1. The registrant must propose an appropriate name for the plant variety which name must be  
the same as the denomination registered in any country upon filing of a protection  
registration application  
2. The variety shall be deemed to be properly denominated if it is distinguishable from all  
other varieties of common knowledge in the same species or similar species.  
3. The denominations of plant varieties shall not be considered proper in the following cases:  
a) Consisting of numerals only, except where such numerals relate to the particularity  
or the establishment of such plant variety;  
b) Violating social morality;  
c) Being liable to misrepresent the feature or characteristics of that variety  
d) Easy to misunderstand about Breeder’s identification.

|  |  |
| --- | --- |
| d’) | Being identical or confusingly similar to a trade mark, trade name or geographical indication already protected before the date of filing of a registration application for protection of such plant variety; Being identical or similar to the name of harvested products of such varieties. |
| e) |  |

g) Affecting prior rights of any other organization or individual.  
4. Any organization or individual that offers for sale or brings to the market propagating  
materials of the plant variety must use the name of the plant variety as the name in the  
Protection Certificate even after the expiry of the protection period stated.  
5. When the name of a plant variety is combined with a trademark, a trade name or an  
indication similar to the name of plant variety already registered for sale or offer in the  
market, such name must be easily distinctive.  
**Chapter XII  
ESTABLISHING THE RIGHTS FOR PLANT VARIETY  
Section 1. Establishing the rights for a plant variety  
Article 164. Registration of the rights over plant varieties**  
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1. To obtain protection of the rights over for a new plant variety, organizations and  
individuals must submit the registration for protection to the State administrative authority  
of industrial property rights.  
2. The organizations and individuals holding the right to register the protection of plant  
variety (to be referred to as **registrant**) include:  
a) Breeder who directly bred or discovered and developed the variety by their expenses  
by way of his/her own efforts and expenses.  
b) Organizations or individuals which invested for the breeder to breed or discover and  
develop the plant variety by contract unless otherwise agreed.  
c) Organizations and individuals transferred or inherited the right of registration for Plant  
variety protection  
3. For the plant variety which is bred or discovered and developed by way of using the  
State’s budget or the finance of the project under the State management, the rights over  
such plant variety will belong to the State. The Government shall make specific provisions  
for the registration of the right over the plant variety as referred to in this Article.  
**Article 165. Submission of the application form for rights over a plant variety.**1. Vietnamese organizations or individuals or foreign organizations or individuals with a  
permanent address of residence in Vietnam or with a plant variety business or production  
establishment in Vietnam may file an application for registration of rights over a plant  
variety (hereinafter referred to as an **application for protection**) either directly or through  
its legal representative agency in Vietnam.  
2. Foreign organizations and individuals without a permanent address of residence in  
Vietnam or not having a plant variety business and production establishment in Vietnam  
may file an application for protection through a lawful representative in Vietnam.  
**Article 166. The principles for submitting the first application form for plant variety**1. In case more than one independent person submits an application for protection on  
different days, the plant variety protection certificate will be given to the applicant who  
obtains the earliest valid registration.  
2. In case there are many application forms for protection certificate of the same variety  
submitted in the same day, the plant variety protection certificate will be given to the  
registrant who is agreed by all the others. If all the registrants could not agree, a plant  
variety protection certificate will be given by the State management authority of rights  
over plant varieties to the first breeder who bred or discovered and developed the variety.  
**Article 167. Priority principle for the application form.**1. The registrant may request priority rights in case an application form was submitted  
within 12 months from the date on which the application form of the same variety has  
been submitted in a country which and the Socialist Republic of Vietnam both enter into  
an agreement on plant variety protection. The filing date of the first application shall not  
be included in this time limit.  
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2. In order to claim priority, the registrant must specify that claim in the registration  
application for protection. Within no more than 3 months from submitting the application  
for protection, the registrant must produce copies of documents as certified by the  
competent office and samples or other evidence proving that the variety in both  
application forms is the same and must pay the fees. The registrant must be allowed to  
supply the information or necessary materials to the State management office of the rights  
over plant varieties for examination according to the stipulations in Articles 176 and 178  
of this Law after 2 years from the date when the priority ends, or in proper time,  
depending on the species of the plant variety stated in the application, after the first  
application form is refused or rejected.  
3. If the registration application for protection is entitled to the right of priority, the priority  
date shall be the date when the first application form was submitted.  
4. Within the time limit referred to in clause 1 of this Article, the filing of another  
application or the publication or use of the plant variety being subject of the first  
application shall not be regarded as a basis for refusing the registration application for  
protection which is entitled to priority.  
**Article 168. Plant variety Protection Certificate and National Registration Book of  
protected plant varieties**1. The contents of a Protection certificate include the name of the variety and species; name  
of the right holder (hereinafter referred to as the Certificate Holder) and Breeder’s name as  
well as the duration of protection of the right over the plant variety.  
2. The state management office of the rights over plant varieties will record the contents of  
the protection certificate into the National Registration Book for protected plant varieties  
which is established and kept by the State management office of the plant variety.  
**Article 169. The effectiveness of the plant variety protection certificate**1. The Plant variety protection certificate will apply in the whole territory of Vietnam.  
2. The plant variety protection certificate will take effect from the date of the grant of rights  
for a period of 25 years for trees and grapes; 20 years for other species.  
3. The plant variety protection certificate may be cancelled or nullified in accordance with  
Articles 170 and 171 of this Law.  
**Article 170. Cancellation and reinstatement of the effectiveness of plant variety  
protection certificate**1. The plant variety protection certificate may be cancelled in one of the following cases:  
a) The uniformity and stability of the protected variety no longer meets the requirements  
as at the time of granting the certificate;  
b) Certificate Holder does not pay the annual fees in accordance with the regulations;  
c) Certificate Holder does not supply the necessary documents and propagating materials  
for maintaining as prescribed.  
d) Certificate Holder does not change the name of the plant variety as requested by the  
State management office of the rights over plant varieties;  
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2. For the case stipulated in subparagraph a, c and d paragraph 1 of this Article, the State  
management office of the rights over plant varieties shall issue a decision for cancellation  
of the plant variety protection certificate.  
3. For the case stipulated in paragraph 1.b of this Article, upon the expiry date of the time  
limit for payment of annual fee, the State management office of the plant variety shall  
issue a decision on cancellation of the plant variety protection certificate from the first  
date of the next effective year in which the annual fees is not paid.  
4. For the cases stipulated in clause 1(a) of this Article, any organization and individual shall  
have the right to request the State management authority of the rights over plant varieties  
for cancellation the effectiveness of the plant variety protection certificate.  
Based on the results of the application to request the cancellation of the plant variety  
protection certificate and the opinions of relevant parties, the State management office of  
the rights over plant varieties shall issue a decision to cancel the certificate or to refuse the  
cancellation of the protection certificate.  
5. For the cases stipulated in paragraph 1 this Article, the State management office of the  
rights over plant varieties shall promulgate the cancellation in a specialized bulletin and  
specify the reasons for such cancellation and at the same time shall serve a notice to the  
certificate holder. Within 30 days from the date of publication, the certificate holder has  
the right to submit a request to the State management office of the rights over plant  
varieties to explain the reasons why the plant variety protection certificate is cancelled and  
must pay the fee in order to reinstate the plant variety protection certificate. Within 90  
days from the date of filing, the protection certificate holder must solve the reasons for  
which the certificate was cancelled, with regard to the cases stipulated in subparagraphs b,  
c and d paragraph 1 of this Article. The State management office of the rights over plant  
varieties shall then consider reinstating the validity of the protection certificate and  
making it public in the specialized bulletin.  
For the cases stipulated in paragraph 1.a of this Article, the effectiveness of the plant  
variety protection certificate shall be reinstated if the holder succeeds in proving that the  
plant variety has met the requirements as to the uniformity and stability and has been so  
certified by the State management office of the rights over plant varieties.  
**Article 171. Nullity of the effectiveness for plant variety protection certificate.**1. The effectiveness of the plant variety protection certificate will be nullified in the following  
circumstances:  
a) The application form belongs to an applicant who does not have the right to file, except  
where the right over a plant variety has been assigned to the holder of the registration  
right;  
b) The protected variety did not meet the conditions for novelty or distinctness at the time  
of granting the plant variety protection certificate.  
c) The protected variety did not meet the conditions for uniformity or stability if the plant  
variety protection certificate is granted on the basis of technical test results which were  
supplied by the registrant.  
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2. Any organization or individual can request the state administrative authority of the rights  
over plant varieties to nullify the plant variety protection certificate during the  
effectiveness of the plant variety protection certificate.  
Based on the results of examining the requirement of the nullity and the opinions of  
relevant parties, the State management office of the rights over plant varieties shall issue a  
decision on refusal to annul or shall issue a decision on the nullity the effectiveness of the  
plant variety protection certificate or to refuse such nullification.  
3. In case of the plant variety protection certificate is nullified, all the transactions arising on  
the basis of the plant variety right are null and void. Such null and void transactions shall  
be dealt with in accordance with the Civil Law.  
**Article 172. Amendment or re-issue of the plant variety protection certificate**1. The owner of a protection Certificate has the right to request the State management office  
of the rights over plant varieties to change or rectify any error relating to the name and  
address of the holder of the protection certificate, provided that prescribed fees and  
charges must be paid. If such errors are made by the State management office of the  
rights over plant varieties, this office must rectify such errors and the holder of the  
protection certificate shall be liable for payment of any fees and charges.  
2. The holder of a protection certificate may request the State management office of the  
rights over plant varieties to re-issue such plant variety protection certificate it is lost or  
damaged provided that prescribed fees and charges must be paid.  
**Article 173. Publishing the decisions related to the protection certificate.**All the decisions related to the grant, re-issue, cancellation, nullity, amendment the variety  
protection certificate shall be published by the State management office of the rights over  
plant varieties in a specialized bulletin within 60 days from date when the decision is issued.  
**Section 2. Application form and the procedures for processing registration applications for  
protection  
Article 174. Registration applications for protection**1. The application for registering the rights for new plant variety protection must include:  
a) A registration form using the prescribed from;  
b) Photos and technical questionnaires using the prescribed form;  
c) Authorization paper if the application form is filed through a representative;  
d) The documents which demonstrate the registration right if the registrant is a person to  
whom the right for registering has been transferred;  
d’) Documents to prove the priority in case of claming for priority.  
e) The receipt of the fees.  
2. A registration application for protection and any transaction documents between the  
registrant and the State management office of the rights over plant varieties must be made  
in Vietnamese, except for the following documents which may be made in another  
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language but must be translated into Vietnamese at the request of the State management  
office of the rights over plant varieties:  
a) The power of attorney;  
b) Documents evidencing the registration right;  
c) Documents evidencing the priority;  
d) Other documents  
3. The documents proving the right of priority for registration of the application form for  
protection include:  
a) The copy of the application form or the first application form certified by the authorized  
organization.  
b) The paper of transfer or inheritance of the right for priority if the right is transferred  
from another person.  
**Article 175. Receiving the application form; Submission date**1. The registration application for protection will be accepted by the State management office  
of the rights over plant varieties with all documents stipulated in paragraph 1 Article 174  
of this Law.  
2. The filing date for application form is the date on which the application form is received by  
the State management office of the rights over plant varieties.  
**Article 176. Examining the validity of the application form.**1. Within 15 days from the filing date, the application form will be examined by the State  
management office of the rights over plant varieties in order to determine the validity of  
the application.  
2. The registration application for protection shall be regarded as invalid when one of the  
following cases applies:  
a) The application form does not follow the requirements;  
b) The variety in the application form does not belong to a species in the List of protected  
species;  
c) The registrant does not have the right for filing including when the registration right  
belongs to several organizations or individuals where one of them does not agree upon  
the registration.  
3. The State management office of the rights over plant varieties will carry out the procedures  
as follows:  
a) To announce the refusal of accepting the application form for the cases stipulated in  
subparagraph b) and c) paragraph 2 of this Article with the reasons for refusing;  
b) To inform to the registrant to correct the mistakes for the cases stipulated in  
subparagraph a paragraph 2 of this Article and to inform the time of 30 days from  
receipt of the notice for the correction to the registrant;  
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c) To inform the refusal of the application form if the registrant does not correct the  
mistakes or if the registrant does not have a reasonable appeal against the notice  
referred to in paragraphs 2.b of this Article;  
d) To announce acceptance of the application form, requesting the registrant to submit  
sample of the variety to the organization in charge of the technical test and follow the  
procedures stipulated in Article 178 of this Law if the application form is valid or if the  
registrant has corrected mistakes or gave a reasonable response to the notice as  
stipulated in subparagraph b of this paragraph.  
**Article 177. Publication of the application form for protection**1. If the application form is valid, the State management office of the rights over plant  
varieties shall publish in the specialized bulletin on plant varieties within 90 days from the  
date such application is accepted.  
2. The contents of publication include: No of application form, date of filing, representative  
agent (if have), name of registrant, name of owner, variety name, species, the date on  
which the application form was accepted as valid.  
**Article 178. Examining the content of the application form for registering of plant variety  
protection.**1. The State management office of the rights over plant varieties shall examine the contents  
of the application form which is accepted as valid. The examination includes:  
a) To examine for novelty and the denomination.  
b) To examine the results of Technical Test of the variety.  
2. Technical Test means the conduct of growing tests in order to determine the distinctness,  
uniformity and stability of the variety.  
The technical test shall be carried out by the competent office or organizations or  
individuals who have enough capacity for conducting the technical test following the  
stipulations of the Ministry of Agriculture and Rural Development.  
The state administrative authority of the rights over plant varieties may use the results of  
the previous technical test.  
3. The time for examining of the test results shall be 90 days from the date of receiving the  
technical test results.  
**Article 179. Modify and supplement the application form**1. The registrant has the following rights before the state administrative authority of the rights  
over plant varieties decides to grant or not to grant the plant variety protection certificate  
or decision of the grant:  
a) To modify or amend the application form without changing the nature of the  
registration application for protection;  
b) To request acknowledging the changes of name and address of the registrant.  
c) To request acknowledging the changes of the registrant due to transfer the application  
form under a contract or as a result of inheritance or bequest.  
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2. The person who requests any of the procedures stipulate at paragraph 1 of this Article must  
be submit fees and annual fee.  
**Article 180. Withdrawing the application form for registration**1. Before the state administrative authority of the rights over plant varieties decides to grant  
or refuse to grant the protection certificate, the registrant can withdraw the application  
form for protection. A request for such withdrawal must be made in writing.  
2. From the time which the registrant requests to withdraw the application form for  
protection, all the next procedures related to the application will be terminated; the fees  
which have been submitted for the procedures that have not yet been conducted will be  
refunded following the request from the registrant.  
**Article 181. Opinion of the third party for granting the plant variety protection  
certificate**From the date of publication of the registration application for protection of plant variety in  
the professional bulletin until the time a decision for granting a plant variety protection  
certificate is made, any third party can send an opinion as about the issue of a plant variety  
protection certificate to the State management office of the rights over plant varieties. The  
opinion must be made in writing accompanied by arguments and evidence to support the  
opinion.  
**Article 182. Refusal to grant the plant variety protection certificate**An application form for protection shall be refused for the issue of a plant variety protection  
certificate in case the variety does not meet any conditions stipulated in Articles 176 and 178  
of this Law. In case of refusal, the State management office of the rights over plant varieties  
shall implement the follow procedures:  
1. Announce the proposal to refuse the grant of a Protection Certificate stating the reasons  
and the deadline for the registrant to amend the shortcomings or appeal against the  
announcement.  
2. Announce the refusal of the grant of protection certificate if the registrant has not  
amended the shortcomings or have not made an appeal against the announcement  
stipulated in paragraph 1 of this Article.  
3. Implement the procedures stipulated in Article 183 of this Law if the registrant has  
amended the shortcomings or gives a valid opinion to appeal against the proposal to grant  
stipulated in paragraph 1 of this Article.  
**Article 183. Granting plant variety the protection certificate**If a registration application for protection is not refused as set out in Article 182 of this Law  
and if the registrant pays the fee, the State management office of the rights over plant varieties  
shall issue the decision for granting the plant variety protection certificate and record this into  
the National Registration Book of Protected Plant Varieties.  
2. To grant the protection certificate to the applicant.  
**Article 184. To complain about the issue or refusal to issue plant variety protection  
certificates**  
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1. The registrant and any other third party have the right to complain about a decision to grant  
or the refusal to grant a plant variety protection certificate.  
3. Any complaint about decisions to grant or refuse to grant the plant variety protection  
certificate will be carried out according to the Law on Complaints and Denunciations.  
**Chapter XIV  
CONTENTS AND LIMITATIONS OF RIGHTS FOR THE PLANT VARIETY  
Section 1. The contents of rights over plant variety  
Article 185. Rights of the Breeder**The Breeder of a plant variety has following rights:  
1. Name of the Breeder will be recorded on the plant variety protection certification and in  
the National Register Book for protected plant varieties and in all the published  
documents relating to the plant variety;  
2. To get compensation as stipulated in paragraph 1(a) Article 191 of this Law;  
**Article 186. Rights of the Protection Certificate Holder**1. The Holder of a protection certificate has the rights to use or permit other persons to use  
the following rights over the propagating materials of the protected plant variety:  
a. Production or multiplication;  
b. Processing for the purpose of propagation;  
c. Offering for sale;  
d. Selling or other marketing;  
dd. Exporting;  
e. Importing;  
g. Stocking for any of the purposes listed in points a, b, c, d, dd and e of this clause.  
2. To prohibit other from using the plant variety in accordance with Article 188 of this Law.  
3. To pass by inheritance or bequest or transfer the rights over the plant variety in  
accordance with Chapter XV of this Law.  
**Article 187. Extension of the rights of the protection certificate holder**The rights of a protection certificate holder shall be extended to the following plant varieties:  
1. Plant varieties that originate from the protected plant variety except where such protected  
plant varieties themselves originate from another protected plant variety;  
A plant variety is regarded as originating from a protected plant variety if such plant  
variety has still retaining the expression of the essential characteristics that result from the  
genotype or combination of genotypes of the protected variety except for the differences  
resulting from actions on the protected variety.  
2. Plant varieties which are not clearly different from the protected plant variety;  
3. Plant varieties, the production of which requires the repeated use of protected plant  
varieties.  
**Article 188. Acts which infringe the rights over plant varieties**  
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The following acts shall be considered as infringements upon to the rights of the protection  
certificate holders:  
1. Exploiting or using the rights of the protection certificate holder without his permission.  
2. Using a denomination of the variety which is identical or similar to a protected  
denomination of the plant variety of the same or other similar species.  
3. Using the protected plant variety without payment of the compensation amount provided  
for in Article 189 of this Law.  
**Article 189. Temporary rights over for the plant varieties**1. The temporary rights over a plant variety are the rights of the registrant for protection of  
the plant variety which arise from the date of publication of the registration application for  
protection until the date of grant of a plant variety protection certificate. The registrant  
will not have the temporary right in case the variety protection certificate is not granted.  
2. If the registrant is aware of the fact that another person has been exploiting the plant variety  
for commercial purposes, the registrant has the right to inform that person in writing of the  
existence of a registration application for protection of the plant variety lodged by the  
registrant and must specify the date of submission, the date on which the registration  
application for protection has been published in order for such another person to terminate  
the exploitation or continue using it.  
3. The user of the variety must pay an amount equivalent to the value of transfer of the right  
to use such variety within an appropriate scope and using time in case the announcement  
has been informed as stipulated in Paragraph 2 of this Article and the user continues using.  
**Section 2. Limitations of rights over plant varieties  
Article 190. Limitations to the right of a plant variety protection certificate holder**1. The following acts are not considered as infringements of the rights over a protected  
plant variety:  
a. Using the variety privately for non-commercial purposes;  
b. Using the variety for breeding and for scientific research purpose;  
c. Using the variety to create new plant varieties distinctive from the protected plant  
varieties;  
d. Production households may use the harvested products of the protected variety for  
propagation and cultivation in the next season in their own field.  
2. Rights over a plant variety shall not be extended to the acts related to any materials of the  
protected variety which have been sold or otherwise taken out of the Vietnamese or  
overseas market by the breeder or his or her nominee, except for the following acts:  
a) Relate to the continuous propagation of such a plant variety;  
b) Relate to the export of propagating materials of such plant variety to a country where  
the genus or species are not protected except where such materials are exported for  
consumption purpose only;  
**Article 191. Obligations of the Holders and Breeder**  
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1. The Holder of the protection certificate has the following obligations:  
a) To pay compensation to the breeder as agreed between them, in the absence of such  
agreement, the compensation must be paid following the stipulations of the Law.  
b) To pay fees for the plant variety protection certificate according to the stipulation.  
c) To preserve the protected variety and to supply propagating material of the protected  
variety to the state administrative authority of the rights over plant varieties and to  
maintain the stability of the protected variety as the stipulations.  
2. The Breeder of the variety has the obligation to help the protection certificate holder to  
maintain the propagating material of protected variety.  
**Chapter XV  
TRANSFER OF THE RIGHTS TO A PLANT VARIETY  
Article 192. Transfer the rights to use of the plant variety**1. Licensing for use of a plant variety means the permission of the Holder of the plant variety  
given to another person to conduct one or some acts of his right to use the plant variety.  
2. The licensing for use of a plant variety shall be consented by all holders in case the right  
falls under co-ownership.  
3. The licensing for use of a plant variety shall be conducted in the form of a written  
contract.  
4. A licensing contract for use of a plant variety shall not have such provisions that  
unreasonably restricts the right of the licensee, particularly those provisions neither  
deriving from, nor aimed at protecting of, the rights of the licensor to the plant variety.  
**Article 193. The rights of the parties in licensing contract**1. The licensor shall have the rights to permit or not permit the licensee to assign the license  
for use to a third party;  
2. The licensee shall have the following rights:  
a) To assign the license for use to a third party if it is agreed by the licensor;  
b) To request to the licensor to carry out necessary measures against any infringements by  
a third party causing damage to the licensee.  
c) To carry out necessary measures to prevent a third party infringements if within a time  
limit of 3 months from the date of the request, the licensor fails acts as requested the in  
accordance with sub paragraph b of this clause.  
**Article 194. Assignment of the rights for plant variety**1. To assign the rights for a plant variety means that the holder of the plant variety transfers  
all the rights of such plant variety to the assignee. The assignee shall become the owner of  
the plant variety Protection Certificate from the date for registration of the assignment  
contract with the state administrative authority of the rights over plant varieties in  
accordance with the prescribed procedures.  
2. Where the right of a plant variety is under co-ownership, the assignment of such rights  
must be consented by all owners.  
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3. The assignment of the ownership rights to a plant variety must be made in a written  
contract.  
**Article 195. Bases and conditions for compulsory licensing for use of the plant variety**1. In the following cases, the right to use a plant variety shall be licensed to another  
organization or individuals under a decision of the state competent authority as referred to  
in Article 196.1 of this Law without having to obtain permission from the protection  
certificate holder or his nominee (to be referred to as the **holder of the exclusive right to  
use the pant variety**):  
a) The use of such plant variety is for the public interest, for non-commercial purpose, to  
satisfy the needs of national defense, national security, disease prevention, treatment  
and nutrition for people or to meet other social urgent needs;  
b) The person having a demand and capacity to use the plant variety fails to reach an  
agreement with the holder of the exclusive right to use the plant variety upon entering  
into a licensing contract although best efforts have been made for a reasonable period  
of time to negotiate the price rate and other commercial conditions.  
c) The holder of the exclusive right to use the plant variety is regarded as conducting an  
act of constraint of competition under the competition legislation.  
2. The holder of the exclusive right to use the plant variety has the right to terminate the  
right has the right to request for termination of such right of use when the bases of  
compulsory licensing provided for in clause 1 of this Article cease to exist and are  
unlikely to recur, provided that such termination shall not prejudicial to the licensee.  
3. The right to use a plant variety shall be transferred under a decision of a state competent  
authority in compliance with the following conditions:  
a) Such right of use is non-exclusive;  
b) Such right of use shall only be limited to such a scope and period sufficient to attain  
the objectives of the compulsory licensing, and predominantly for the supply of the  
domestic market, except for the cases referred to in clause 1(c) of this Article;  
c) The licensee shall not assign such right of use to another person, except with the  
assignment of his or her business premise, or not grant a sub-license to others;  
d) The licensee must pay an adequate compensation to the holder of exclusive right to use  
the plant variety taking into account the economic value of such right of use in each  
specific case, in compliance with the remuneration frame provided for by the  
Government;  
4. The Government shall make specific provisions for the cases of compulsory licensing of  
the right to use plant varieties and the compensation frame as referred to in Article 3(d) of  
this Article.  
**Article 196. Power and procedures for licensing the right to use plant varieties under  
compulsory decisions**  
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1. The Ministry of Agriculture and Rural Development shall issue decisions on licensing the  
right to use a plant variety in the fields under the scope of its State administration on the  
basis of a relevant request in the cases set out in Article 195.1 of this Law.  
Ministries, ministerial-level agencies shall issue decisions to license the right to use plant  
varieties in the fields under the scope of its State administration on the basis of  
consultation with the Ministry of Agriculture and Rural Development in the cases referred  
to in Article 195.1 of this Law  
2. A licensing decision must fix the scope and conditions of such use in accordance with  
Article 195.3 of this Law.  
3. The State competent authority that makes a decision on licensing the right to use a plant  
variety must notify this decision to the holder of the exclusive right to use such plant  
variety.  
4. A decision on licensing the right to use a plant variety or refusal to license the right to use  
a plant variety may be complained about or subject to a lawsuit in accordance with the  
law.  
5. The Government shall make specific provisions for procedures for licensing of the right to  
use a plant variety as referred to in this Article.  
**Article 197. Rights of Protection Certificate holders in case of compulsory licensing**The protection certificate holder being subject of compulsorily licensing of the right to use a  
plant variety shall have the following rights:  
1. To receive an adequate compensation corresponding to the economic value of such right  
of use or equivalent to the price of contractual licensing of such right with similar scope  
and term;  
2. To request the state administrative authority of the rights over plant varieties to amend,  
cancel or nullified the validity of the compulsory license when the conditions resulting in  
such compulsory licensing no longer exist or if such amendment, cancellation or nullity  
does not cause damages to the compulsory licensee.  
**PART FIVE  
PROTECTION OF INTELLECTUAL PROPERTY RIGHTS  
Chapter XVI  
GENERAL PROVISIONS ON PROTECTION OF INTELLECTUAL PROPERTY  
RIGHTS  
Article 198. Right to protection by oneself**1. Intellectual property right holders shall have the right to apply the following measures to  
protect their intellectual property rights:  
a) Taking technological measures to prevent infringement of intellectual property rights;  
b) Requesting organizations, individuals that have committed acts of infringement of  
intellectual property rights to terminate the infringing acts, apologize, publicly rectify  
and compensate damages;  
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c) Requesting the competent state agencies to handle acts of infringement of intellectual  
property rights in accordance with provisions of this Law and other related laws and  
regulations;  
d) Initiating a lawsuit at a competent court or an arbitrator to protect their legitimate rights  
and interests;  
2. Organizations and individuals that suffer from damage caused by acts of infringement of  
intellectual property rights or discover acts of infringement of intellectual property rights  
that cause damage to consumers or the society shall have the right to request State  
competent agencies to handle such acts of infringement in accordance with the provisions  
of this Law and other related laws and regulations.  
3. Organizations and individuals that suffer from damage or are likely to suffer from damage  
caused by acts of unfair competition shall have the right to request State competent  
agencies to impose civil remedies provided for in Article 202 of this Law and  
administrative remedies provided for in the laws on competition.  
**Article 199. Remedies against acts of infringement of intellectual property rights**1. Organizations and individuals that have committed acts of infringement of other’s  
intellectual property rights are liable to civil, administrative or criminal remedies,  
depending on nature and extent of such infringement.  
2. In appropriate cases, State competent agencies shall have the right to apply provisional  
measures, intellectual-property-related control measures with regard to imports and  
exports and preventive measures and shall ensure that administrative penalties shall be  
imposed as provided for in this Law and other related laws and regulations.  
**Article 200. Authorities in handling the infringement of intellectual property rights**1. Courts, inspectorate, market management agencies, custom offices, police agencies and  
the People’s Committees of all levels, within its duties and authorities, are entitled to  
handle acts of infringement of intellectual property rights.  
2. The application of civil remedies and criminal remedies shall fall within the authorities of  
the courts. In appropriate cases, the courts are entitled to apply provisional measures in  
accordance with the laws and regulations.  
3. The application of administrative remedies shall fall within the authorities of inspectorate,  
police agencies, market management agencies, custom offices and the People’s  
Committee of all levels. In appropriate cases, the above-mentioned agencies are entitled  
to apply preventive measures and ensure that administrative penalties shall be imposed in  
accordance with the laws and regulations.  
4. The application of intellectual property border control measures with regard to imports  
and exports shall fall within the authorities of custom offices.  
**Article 201. Inspection, assessment on intellectual property**1. Inspection and assessment on intellectual property means the competent organizations or  
individuals use their knowledge and expertise in intellectual property to make assessment,  
conclusion on matters related to intellectual property right infringement cases.  
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2. State competent agencies shall have the right to call for inspection, assessment on  
intellectual property in order to handle those cases accepted by these agencies.  
3. Intellectual property right holders and other related organizations or individuals shall have  
the right to request for inspection, assessment on intellectual property in order to protect  
their legitimate rights and interests.  
4. The government shall make specific provisions on inspection and assessment on  
intellectual property.  
**Chapter XVII  
DEALING WITH INFRINGEMENTS OF INTELLECTUAL PROPERTY RIGHTS  
THROUGH CIVIL REMEDIES  
Article 202. Civil remedies**The court shall take the following civil remedies to handle organizations and individuals that  
have committed acts of infringement of intellectual property rights:  
1. Compelling termination of the infringement of intellectual property rights;  
2. Compelling public rectification and apology;  
3. Compelling the performance of civil obligations;  
4. Compelling compensation for damages;  
5. Compelling destruction, distribution or use for non-commercial purpose in respect of  
goods, materials and implements the predominant use of which has been in the creation or  
trading of intellectual property right infringing goods, provided that such distribution and use  
does not affect the exploitation of rights by the intellectual property rights holder.  
**Article 203. Rights and burden of proof of the litigants**1. The plaintiff and defendant in a lawsuit against infringement of intellectual property rights  
shall have the rights and burden of proof provided for in Article 79 of the Civil  
Procedures Code and this Article.  
2. The plaintiff shall prove that he or she is the intellectual property right holder with one of  
the following evidences:  
a) A valid copy of the Copyright Registration Certificate, Related Right Registration  
Certificate, Protection Title, or an extract from the National Registers of Copyrights  
and Related Rights, the National Registers of Industrial Designs, layout-designs and  
National Registers of Protected Plant Varieties;  
b) Necessary evidence proving basis the establishment of copyrights, related rights in  
case of absence of a copyright registration certificate, related right registration  
certificate; necessary evidence proving the rights to business secrets, trade names or  
well-known marks;  
c) Copies of licensing contracts for using intellectual property subject matters in case the  
right to use is licensed under a contract.  
3. The plaintiff shall produce evidence of the infringement of intellectual property rights or  
acts of unfair competition.  
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4. In a lawsuit against an infringement of the right to a patented invention, which is a  
production process, the defendant shall prove that his or her products are made by a  
process other than the protected process:  
a) The product made by the protected process is new;  
b) The product made by the protected process is not new, but the owner of the protected  
process believes that the product of the defendant is made by the protected process  
and failed identify the process used by the defendant despite that reasonable measures  
have been taken.  
5. In case a party to a lawsuit against an infringement of intellectual property rights has  
proven that evidence relevant to substantiation of his or her claims lies in the control of  
the other party and therefore inaccessible, the former shall have the right to request the  
court to compel the later to produce such evidence.  
6. In case of a claim for damages, the plaintiff must prove his or her actual damages and  
specify the basis for his or her claim in accordance with Article 205 of this Law.  
**Article 204. Principles of determination of damages caused by the infringement of  
intellectual property rights**1. Damages caused by an infringement comprise:  
a) Physical damages comprise loss in property, decrease in income and profits, losses in  
business opportunities, reasonable expenses for prevention and restoration from such  
damages, reasonable attorney fees and other tangible losses;  
b) Spiritual damages comprise loss to honor, dignity, prestige, reputation and other  
spiritual losses caused to the authors of literary, artistic and scientific works; to  
performers, authors of inventions, industrial designs, lay out designs; and breeders.  
2. The level of damage shall be determined on the basis of the actual losses suffered by the  
intellectual property right holders due to the infringement of his or her intellectual  
property rights.  
**Article 205. Bases for determination of damages caused by the infringement of  
intellectual property rights**1. In case the plaintiff succeeds in proving that an infringement of intellectual property  
rights has caused physical damages to him or her, he or she shall have the right to request  
the court to determine the rate of compensation on one of the following bases:  
a) The total physical damage determined in an amount of money plus the profits gained  
by the dependant as a result of infringement if reduced profits of the plaintiff have not  
yet been included in the total physical damage;  
b) The value of the transfer of the right to use the intellectual property subject matter  
with the presumption that the defendant has been transferred by the plaintiff with the  
right to use that intellectual property subject matter under an agreement for using such  
intellectual property subject matter to the extent equivalent to the act of infringement  
committed;  
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c) Where it is impossible to determine the rate of compensation in accordance with  
subparagraphs a) and b) of this paragraph, that rate shall be fixed by the court  
depending on the loss level but not exceeding VND 500 million.  
2. If the plaintiff succeeds in proving that the infringement of intellectual property rights has  
caused spiritual damage to him or her, he or she shall have the right to request the court to  
determine the rate of compensation ranging from VND 5 million to VND 50 million,  
depending on the level of damage.  
3. In addition to the damages referred to in clauses 1 and 2 of this Article, an IPR holder  
may request the court to compel the infringer to pay reasonable costs of hiring attorneys.  
**Article 206. Right to request the court to apply provisional measures**1. Upon or after initiation of a lawsuit, an intellectual property right holder shall have the  
right to request the court to apply provisional measures in the following cases:  
a) There is a threat of irreparable damage to the intellectual property right holder;  
b) There is a threat of dispersal or destruction of goods suspected of infringing upon  
intellectual property rights and relevant evidence if they are not protected in time.  
2. The court shall decide to apply provisional measures at the request of the IPR holder as  
set out in clause 1 of this Article before listening to the opinion of the party liable for such  
provisional measure.  
**Article 207. Provisional measures**1. The following provisional measures are shall applicable to goods suspected of infringing  
upon intellectual property rights or to the materials, raw materials or implements for  
producing or trading such goods:  
a. Seizure;  
b. Attachment;  
c. Sealing, prohibition of changing status or displacing;  
d. Prohibition of transferring ownership;  
2. Other provisional measures shall be applied in accordance with the Civil Procedure Code.  
**Article 208. Obligations of the person who requests for the application of provisional  
measures**1. A person who requests for the application of provisional measures is obliged to prove his  
or her right to request as provided for in paragraph 2 Article 206 of this Law, including  
the production of materials and evidence as provided for in paragraph 2 Article 203 of  
this Law.  
2. A person who requests for the application of provisional measures is obliged to pay  
compensation for the damages to such provisional measure debtor in case such person is  
found not to infringe the IPRs. To secure the performance of this obligation, the person  
who requests for the application of provisional measures must deposit a sum of security  
in one of the following forms:  
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a) Depositing an amount of money equal to 20% of the value of the goods that is subject  
to the application of provisional measures, or at least 20 million VND if it is  
impossible to evaluate those goods;  
b) Submitting a guarantee document issued by a bank or other credit organizations  
**Article 209. Termination of the application of provisional measures**1. The court shall decide to terminate the application of a provisional measure in any of the  
cases referred to in paragraph 1 Article 122 of the Civil Procedure Code or in case that  
the provisional measure debtor succeeds in proving that the application of such  
provisional measure is unreasonable.  
2. In case of termination of the application of a provisional measure, the court shall consider  
reimbursement to the requesting person of the deposited amount referred to in paragraph  
2 Article 208 of this Law. If the request for the application of provisional measure is  
unreasonable, causing damage to the provisional measure debtor, the court shall compel  
the requesting person to compensate the damage.  
**Article 210. Authorities and procedures for applying provisional measures**The authorities and procedures for applying provisional measures shall comply with the  
provisions of Chapter VIII of Part One of the Civil Procedure Code.  
**Chapter XVII  
DEALING WITH INFRINGEMENTS OF INTELLECTUAL PROPERTY RIGHTS  
THROUGH ADMINISTRATIVE AND CRIMINAL REMEDIES; CONTROL OF  
INTELLECTUAL-PROPERTY-RELATED IMPORTS AND EXPORTS  
Section 1.  
Dealing with infringements of intellectual property rights through administrative and  
criminal remedies  
Article 211. Acts of IPR infringements liable for administrative remedies**1. The following acts of IPR infringements shall be subject to the administrative remedies:  
a) Committing an act of infringement of intellectual property rights, which causes loss to  
consumers or the society;  
b) Not terminating an act of infringement of intellectual property rights, even if a written  
notice has been served by the intellectual property right holder;  
c) Producing, importing, transporting, and trading in intellectual property counterfeit  
goods referred to in Article 213 of this Law or assigning others to do so;  
d) Producing, importing and trading in articles bearing a mark or a geographical  
indication that is identical with or confusingly similar to a protected mark or a  
protected geographical indication or assigning others to do so;  
2. The Government shall make specific provisions for acts of IPR infringements to be liable  
for administrative remedies, form and level of remedies and procedures for imposing such  
administrative remedies.  
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3. Organizations and individuals that have committed acts of unfair competition shall be  
liable to the administrative remedies provided for in the competition legislation.  
**Article 212. Acts of IPR infringements liable for criminal remedies**Individuals who have committed acts of infringement of intellectual property rights having  
factors that constitute a crime shall be liable to the criminal liabilities in accordance with the  
criminal laws and regulations.  
**Article 213. Intellectual property counterfeit goods**1. Intellectual property counterfeit goods referred to in this Law include counterfeit mark  
goods or counterfeit geographical indication goods (hereinafter referred to as counterfeit  
mark goods) referred to in paragraph 2 of this Article and pirated goods referred to in  
paragraph 3 of this Article.  
2. Counterfeit mark goods are goods or their packaging bearing a mark or a sign which is  
identical with or substantially indistinguishable from a mark or geographical indication  
which is protected for such goods without consent of the owner of such mark or the  
management organization of such geographical indication respectively.  
3. Pirated goods are copies made without the consent of the copyrights holder or the related  
rights holder.  
**Article 214. Administrative penalties and remedies**1. Organizations and individuals that have committed acts of IPR infringement referred to in  
Article 211.1 of this Law shall be compelled to terminate the infringement and subject to  
one of the following main remedies:  
a) Warning;  
b) Monetary fine.  
2. Depending on nature and level of the infringement, the IPR infringing organizations and  
individuals are liable to the following complementary remedies:  
a) Confiscation of intellectual property counterfeit goods, materials, raw materials and  
implements mainly used for manufacturing or trading such intellectual property  
counterfeit goods;  
b) Suspension of relevant business activities for a definite term.  
3. In addition to the remedies referred to in paragraphs 1 and 2 of this Article, organizations  
and individuals that have committed IPR infringing acts are liable to the following  
restoration remedies:  
a) Compelling destruction, distribution or use of the intellectual property counterfeit  
goods for non-commercial purposes and materials, raw materials and implements  
mainly used for manufacturing or trading such intellectual property counterfeit goods  
provided that such distribution and use does not affect the exploitation of rights by  
intellectual property right holder;  
b) Compelling delivery of the transiting goods out of the territory of Vietnam or reexport of the intellectual property counterfeit goods, implements and materials that  
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are imported mainly for manufacturing or trading such intellectual property  
counterfeit goods, after having removed infringing elements.  
4. The monetary fine rates referred to in subparagraph b of paragraph 1 of this Article shall  
be at least equal to the value of the discovered infringing goods but must not exceed five  
times of that value.  
The Government shall make detailed provisions for the method of determination of the  
value of infringing goods.  
**Article 215. Application of preventative measures**1. In the following cases, organizations and individuals shall have the right to request the  
competent agency to apply administrative remedies and ensure that administrative  
penalties shall be imposed in accordance with clause 2 of this Article:  
a) Acts of infringement of intellectual property rights may cause serious damage to  
consumers or the society;  
b) There is a threat of the infringing means being dispersed or the infringer evading his  
or her liabilities;  
c) In order to guarantee the implementation of administrative remedies.  
2. Administrative preventative measures applicable under administrative procedures to the  
infringement of intellectual property rights comprise the followings:  
a) Temporary hold of related individuals;  
b) Temporary detention of the goods, means and implements used for such infringement;  
c) Search of related individuals;  
d) Search of the place where infringing goods, means and implements are stored;  
d’) Other administrative preventative measures in accordance with the laws and  
regulations.  
**Section 2. Control of IP-related imports and exports  
Article 216. Border control measures of IP-related imports and exports**1. Border control measures of IP-related imports and exports comprise the followings:  
a) Suspension of customs procedures for suspected intellectual property right infringing  
goods.  
b) Supervision to detect goods containing signs of infringement of intellectual property  
rights.  
2. Suspension of customs procedures for suspected intellectual property right infringing  
goods is a measure taken at the request of the intellectual property right holder for the  
purpose of collecting information and evidence about the lots of goods which serves as  
the basis for the intellectual property right holder to exercise the right to request for the  
handling of the infringement and to request for the application of provisional measures or  
preventive measures, and to ensure that an administrative penalty is to be imposed.  
3. Examination and supervision to detect goods containing signs of infringement of  
intellectual property rights is a measure taken at the request of the intellectual property  
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right holder for the purpose of collecting information in order to exercise the right to  
request for the suspension of customs procedures.  
4. During the course of application of measures referred to in paragraphs 2 or 3 of this  
Article, if any goods detected to be intellectual property counterfeit goods in accordance  
with Article 213 of this Law, the customs offices shall have the right and duty to impose  
administrative remedies referred to in Article 214 and Article 215 of this Law.  
**Article 217. Obligations of person who requests for the application of border control  
measures of IP-related imports and exports**1. A person who requests for the application of border control measure in respect of IPrelated imports and exports shall have the following obligations:  
a. Proving that he or she is the intellectual property right holder by producing the  
materials and evidence referred to in paragraph 2 Article 203 of this Law.  
b. Providing information sufficient to identify the suspected intellectual property right  
infringing goods or to discover infringing goods.  
c. Lodging an application with the customs office and pay fees and charges prescribed  
by the laws and regulations.  
d. Payment of damages and other incurred expenses to the persons being subject to such  
measure in case the goods subject to that control measure are found not to infringe  
upon IPRS.  
2. To secure the performance of the obligations set out in clause 1(d) of this Article, a  
person requesting for the application of measure of suspension of customs procedures  
must deposit a sum of security in one of the following methods:  
a) Depositing an amount of money equal to 20% of the value of the lots of goods that is  
subject to the suspension of customs procedures; or at least VND 20 million if it is  
impossible to evaluate such lots of goods;  
b) Submitting a guarantee document issued by a bank or other credit organizations.  
**Article 218. Procedures for the application of suspension of customs procedures**1. When a person who requests for the suspension of customs procedures has properly  
performed his or her obligations provided for in Article 217 of this Law, the customs  
office shall issue the decision on suspension of customs procedures with regard to  
relevant lots of goods.  
2. The term of suspension of customs procedures shall be 10 working days from the date of  
issuing the decision on the suspension of customs procedures. This term may be  
prolonged up to 20 working days if the person who requests for the suspension of  
customs procedures has due reasons and having deposited an additional amount of money  
referred to in paragraph 2 of Article 217 of this Law.  
3. At the expiration of the term provided for in paragraph 2 of this Article if the person who  
requests for the suspension of customs procedures fails to initiate a civil lawsuit and the  
customs office does not accept the case to handle the importer of the lots of goods under  
administrative procedures, the customs office shall:  
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a) Continue the completion of customs procedures for such lots of goods;  
b) Compel the person who requests for the suspension of customs procedures to  
compensate all the damages incurred by the owner of the lots of goods due to  
unreasonable request for the suspension of customs procedures, and to pay expenses  
for storage and preservation of goods as well as other costs incurred by the customs  
office and other related organizations and individuals in accordance with the laws and  
regulations on customs;  
c) Reimburse the person who requests for the suspension of customs procedures the rest  
of the deposited guarantee amount after having performed obligations and paid all the  
costs referred to in sub-paragraph b) of this paragraph.  
**Article 219. Examination and supervision to detect goods containing signs of IPR  
infringement**When an IPR holder requests for examination and supervision to detect a lot of goods  
containing signs of IP infringement and when such lot of goods is detected, the customs office  
shall immediately notify the person who requests for such examination and supervision.  
Within three working days from the date of such notification, if the person that made the  
request fails to make a request for suspension of customs procedures with regard to the  
detected lot of goods and the customs office does not decide to handle the importer of the lots  
of goods with administrative remedies in accordance with Articles 214 and 215 of this Law,  
the customs office shall continue the completion of customs procedures for such lots of goods.  
**PART SIX  
PROVISIONS OF IMPLEMENTATION  
Article 220. Transitional provisions**1. Any copyright or related right protected under the legal documents applicable before the  
effective date of this Law shall continue to be protected under this Law if it remains in  
term of protection on that date.  
2. Any applications for registration of copyright, related rights, inventions, utility solutions,  
industrial designs, trademarks, appellations of origin, layout-designs, new plant varieties  
which have been filed with competent authorities before the effective date of this Law  
shall be handled in accordance with legal instruments at the time of the filing of the  
application.  
3. All rights and obligations conferred by Protection Titles granted under the provisions  
applicable before the effective date of this Law and procedures for maintenance, renewal,  
correction, license, assignment, resolution of disputes concerning these protection titles  
shall be subject to this Law, except for those grounds for invalidation of a Protection Title  
which shall only be subject to the provisions of legal documents applicable at the time of  
its grant.  
4. Trade secrets and trade names which have been existing and protected under Decree  
54/2000/ND-CP dated October 3, 2000 of the Government on the protection of industrial  
property rights with regard to trade secrets, geographical indications, trade names and the  
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protection of rights against industrial property related unfair competition shall be  
continued to be protected under this Law.  
5. From the effective date of this Law, geographical indications, including those protected  
under the Decree referred in paragraph 4 of this Article, shall only be protected if they are  
registered with the state administration authority of industrial property.  
**Article 221. Effectiveness**This Law shall enter into force as from 1 July 2006.  
**Article 222. Guidance of implementation**The Government and the Supreme People’s Court shall make detailed provisions and provide  
guidelines for the implementation of this Law.  
*This Law has been ratified by the Legislature XI of the National Assembly of the Socialist  
Republic of Vietnam in its 8th session on November 29, 2005.*THE CHAIRMAN OF THE NATIONAL ASSEMBLY  
NGUYEN VAN AN