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DIGITAL TRANSFORMATION, COOPERATION AND GLOBAL INTEGRATION IN THE NEW NORMAL

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TABLE OF CONTENT

APPLICATION OF TECHNOLOGY AND BIG DATA IN THE FIELDS OF FINANCE, ACCOUNTING AND AUDITING IN THE CONTEXT OF GLOBALIZATION

BANK RUN AND SILICON VALLEY BANK	1
Lam Dang Xuan Hoa, Ho Minh Khoa, Huynh Vo Nhat Linh	1
BIG DATA AND INTELLECTUAL PROPERTY RIGHTS.....	14
Le Thi Minh, Vo Trung Hau	14
THE EFFICIENCY OF THE INTERNAL CONTROL SYSTEM IN RISK MANAGEMENT AT THE NAM A COMMERCIAL JOINT STOCK BANK	23
Truong Thanh Loc, Tran Ngoc Thanh.....	23
VIETNAM - AUSTRALIA ECONOMIC AND TRADE COOPERATION IN THE NEW NORMAL: OPPORTUNITIES AND CHALLENGES FOR VIETNAMESE INVESTORS.....	30
Nhu Nguyen Phuc Quynh*, Anh Nguyen Thi Nguyet, Duy Nguyen Anh	30
IMPACTS OF CREDIT GROWTH AND CREDIT RISK ON THE PROFIT OF VIETNAM JOINT STOCK COMMERCIAL BANKS	43
Dao Le Kieu Oanh*, Tran Thi Huong Ngan	43
FACTORS AFFECTING CUSTOMERS' DECISIONS TO USE E-BANKING AT JOINT STOCK COMMERCIAL BANKS IN HO CHI MINH CITY	57
Nguyen Duy Khanh ¹ , Pham Quoc Tham ²	57
HOW CHINA_USA POLITICAL TENSIONS AFFECT STOCK MARKET RETURN OF CHINA AND THE USA? A QUANTILE VAR CONNECTEDNESS APPROACH	70
Hao Wen Chang ¹ , Tsangyao Chang ² and Mei-Chih Wang ³	70
BANKING HUMAN RESOURCES BEFORE THE DEVELOPMENT OF ARTIFICIAL INTELLIGENCE AI	92
Nguyen Huynh Chi.....	92
IMPROVE THE QUALITY OF TRAINING THROUGH IMPROVEMENT OF STUDENT TESTING AND ASSESSMENT – CASE IN ACCOUNTING BRANCH, UNIVERSITY OF ECONOMICS AND FINANCE	102
Thuy Thi Ha	102
ACTIVITIES OF DIGITAL TRANSFORMATION IN VIETNAMESE COMMERCIAL BANKS: AN OVERVIEW DURING THE COVID-19 RECOVERY PERIOD.....	109
Nguyễn Thị Quỳnh Châu, Đào Lê Kiều Oanh	109
OPPORTUNITIES AND CHALLENGES FOR VIETNAM IN ATTRACTIVE FDI IN GLOBAL MINIMUM CORPORATE TAX IMPLEMENTATION	117
Ngo Hoang Thong	117

IMPACTS OF STATE OWNERSHIP AND BUSINESS CHARACTERISTICS ON TAX AVOIDANCE: EVIDENCE IN VIETNAM.....	128
Huyen Ngoc Nguyen, Thanh Dan Bui	128
RUSSIA'S IMPACTS AND SCENES ON BEING BANNED FROM SWIFT	143
Lam Dang Xuan Hoa ¹ , Phan Ngoc Anh ²	143
THE ROLE OF ACCESS TO FINANCE AND THE ENTREPRENEURIAL INTENTION OF YOUNGERS IN THE SOUTHWESTERN PROVINCE, VIETNAM.....	151
Vu Truc Phuc*, Nguyen Dang Hat, Nguyen An Phu, Dao Le Kieu Oanh	151

DIGITAL ECONOMY IN VIETNAM, TRENDS AND POTENTIABILITY

DEVELOPING SMART HOME MODEL FOR APARTMENTS IN HO CHI MINH CITY BASED ON INTERNET OF THINGS (IoT) TECHNOLOGY	182
Dang Thanh Thuy ¹ , Nguyen Thanh Dien ²	182
TRANSPARENCY OF ACCOUNTING INFORMATION OF CONSTRUCTION ENTERPRISES IN HO CHI MINH CITY – CASE STUDY OF APPLICATION OF ACCRUAL ACCOUNTING	193
Truong Thanh Loc ^{1*} , Pham Thi Yen Nhi ²	193
FACTORS AFFECTING THE QUALITY OF FINANCIAL STATEMENTS OF MANUFACTURING ENTERPRISES IN HO CHI MINH CITY	207
Truong Thanh Loc [*] , Dang Nguyen Tuong Han, Nguyen Ngoc Mai Phuong, Nguyen Thi Quynh Huong	207
THE CRITICAL FACTORS OF COLLEGE STUDENTS' INTENTION TO USE METAVERSE TECHNOLOGY FOR SUBJECTS RELATED TO IMPORT-EXPORT LEARNING	221
Van Thuy Nguyen Ho, Chau The Huu, Luan Thanh Nguyen [*]	221
CONSUMER PERCEPTION ABOUT THE SUSTAINABILITY COMMITMENT OF LUXURY BRANDS IN VIETNAM AND CHINA MARKETS.....	233
Tran Minh Tu ¹	233
INFLUENCE OF WOM AND EWOM IN MAKING DECISION BUYING GOODS	247
Doan Anh Tu ¹ , Kim Phi Rum ² , Nguyen Pham Hai Ha ³	247
DIGITAL ECONOMY AND DEVELOPMENT POTENTIAL IN VIETNAM.....	257
Hoang Thi Chinh, Nguyen Hoang Phan	257
BLOCKCHAIN APPLICATION IN MODERN LOGISTICS: INTERNATIONAL EXPERIENCE AND SOME RECOMMENDATIONS FOR VIETNAM	266
Nguyen Nu Tuong Vi.....	266
FACTORS AFFECTING THE DEVELOPMENT OF THE DIGITAL ECONOMY IN VIETNAM	272
Vo Tien Si	272
LEGAL FRAME FOR THE OPERATION OF THE REAL ESTATE BUSINESS UTILIZING THE BLOCKCHAIN PLATFORM IN VIETNAM.....	284
Le Thi Khanh Linh.....	284

DIGITAL TRANSFORMATION – COOPERATION – GLOBAL INTEGRATION IN BUSINESS

FACTORS INFLUENCING BUSINESS ACCEPTANCE OF INDUSTRY 4.0 TECHNOLOGY APPLICATIONS IN DONG NAI PROVINCE.....	291
Thanh-Thu Vo*, Minh-Huong Tang.....	291
DIGITAL ORIENTATION, INNOVATION CAPABILITY AND FIRM PERFORMANCE: A PROPOSAL RESEARCH MODEL	298
Nguyen Van Hau	298
PREDICTION OF STUDENT'S BEHAVIORAL INTENTION TO USE SMART LEARNING ENVIRONMENT: A COMBINED MODEL OF SELF-DETERMINATION THEORY AND TECHNOLOGY ACCEPTANCE	309
Nguyen Thi Hai Binh ¹ , Dao Y Nhi ² , Nguyen Thanh Luan ³ , Dang Quan Tri ⁴	309
THE PEDAGOGICAL IMPACT OF GRAMMARLY ON EFL WRITING COMPETENCY: AN EMPIRICAL INVESTIGATION IN HIGHER EDUCATION CONTEXT.	323
Nguyen Thi Hong Lien ¹ , Nguyen Truong Gia Minh ² , Nguyen Ngoc Vu ^{3*}	323
FACTORS AFFECTING PURCHASING DECISION OF THE YOUTH ON TIKTOK	336
Ngoc Pham ¹ , Thanh Cong Tran*.....	336
FACTORS AFFECTING OCCUPATIONAL SAFETY BEHAVIORS OF WORKERS DIRECT PRODUCTION AT CU CHI POWER COMPANY.....	345
Minh Luan Le, Thi Trang Tran.....	345
CORPORATE SOCIAL RESPONSIBILITY AND EMPLOYEES' ORGANIZATIONAL CITIZENSHIP BEHAVIOUR.....	355
Nguyen Xuan Hung ¹ , Ha Le Thu Hoai ¹ , Nguyen Huu My Truc ^{2&3} , Pham Tan Nhat ^{2&3}	355
THE INNOVATION CAPACITY - THE ROLE OF LEADERS OF SMALL AND MEDIUM ENTERPRISES IN HO CHI MINH CITY, VIETNAM.....	365
Huynh Nhut Nghia	365
PEOPLE'S THOUGHTS ON THE IMPACT OF ARTIFICIAL INTELLIGENCE ON BUSINESS	376
Ton Nguyen Trong Hien, Bui Tuyet Anh	376
FACTORS AFFECTING BRAND SWITCHING INTENTION IN THE CONTEXT OF HIGHER EDUCATION IN VIETNAM	382
Ly Dan Thanh, Nguyen Phu Quoi, Tran Hoang Nam, Vo Hong Son, Nguyen Ngoc Thuy Tien	382
ENHANCE THE DIGITAL COMPETITIVENESS	398
Tran Quang Canh, Hoang Thi Chinh.....	398

ASSESSING PATIENT SATISFACTION (BRAND) AFTER THE COVID-19 PANDEMIC AT THU DUC CITY HOSPITAL.....	408
Nguyen Hoang Dung ^{1*} , Nguyen Huynh Bao An ² , Van Phuong Trang ²	408
INDUSTRIAL AND HUMAN RESOURCES FORM THE FOUNDATION FOR BINH DUONG'S SUSTAINABLE ECONOMIC DEVELOPMENT	408
Hoang-An Nguyen	417
IMPACT OF ORGANIZATIONAL FAIRNESS ON THE EMPLOYEES' KNOWLEDGE SHARING IN TRAVEL AND TOURISM ENTERPRISES IN HO CHI MINH CITY	426
Le Thi Nhu Quynh ^{1,2} , Le Thi Giang ² , Truong Quang Dung ¹	426
THE EFFECT OF PERSONAL MOTIVATION ON THE TACIT KNOWLEDGE SHARING BEHAVIOR OF 5-STAR HOTELS' EMPLOYEES IN HO CHI MINH CITY	440
Le Thi Giang, Nguyen Bach Hoang Phung.....	440
DIGITAL COMPETITIVENESS AND OPERATIONAL EFFICIENCY OF ENTERPRISES IN THE DIGITAL ERA: THE CASE OF VIETNAMESE ENTERPRISES	453
Diep Nguyen Thi Ngoc ^{1*} , Canh Quang Tran ² , Anh Bach Hoang Ngoc ¹	453
FACTORS INFLUENCING PARENTS' SELECTION OF PRIVATE PRESCHOOLS IN THU DUC CITY	466
Thi-Trang Tran ¹ , Thi-My-Dung Pham ² , Thi-Bich-Diep Le ^{1*}	466

RECOVERY COMMUNICATIONS IN THE TOURISM AND HOSPITALITY INDUSTRY AFTER THE COVID-19 PANDEMIC

DEVELOPING A SPIRITUAL TOURISM DESTINATION IMAGE MEASUREMENT SCALE OF AN GIANG	474
Nguyen Vuong Hoai Thao ¹ , Nguyen Quyet Thang ²	474
PROSPECTS OF VIRTUAL REALITY TOURISM APPLICATION IN VIETNAM TOURISM PROMOTION	487
Nguyen Thi Hong Ha, Pham Thi Huong Giang.....	487
PERSONALIZATION TRAVEL TRENDING IN HO CHI MINH CITY IN THE CONTEXT OF POST COVID-19	497
Duong Bao Trung.....	497
IMPACTS OF MEDIA ON CUSTOMERS' DECISION TO CHOOSE FOOD AND BEVERAGE SERVICES POST THE COVID-19 PANDEMIC	511
Nguyen Thi Bich Van	511
DIGITAL TRANSFORMATION APPLICATION TO PROMOTE THE RECOVERY AND DEVELOPMENT OF INBOUND TOURISM IN HO CHI MINH CITY	521
Tran Trong Thanh	521
VIETNAM TOURISM AFTER COVID-19 PANDEMIC	527
Nguyen Hoang Phan ¹ , Hoang Thi Chinh ²	527
NAVIGATING THE EVOLVING LANDSCAPE OF SOCIAL MEDIA DATA MINING AND PRIVACY	537
Pham Thai Hien	537
THE CORRELATION BETWEEN STUDENT SELF-REPORTED GENERAL WELL-BEING AND PERCEIVED SUPPORT FROM FRIENDS, TEACHERS, AND UNIVERSITY	545
Virginia Kelsey ¹ , Đặng Thị Mai Ly ^{2*} , Nguyễn Anh Khoa ² , Nguyễn Văn Tường ²	545

DIGITAL VERSUS NON- DIGITAL

PROVIDING CONVENIENCE TO CUSTOMERS IN THE DIGITAL MARKETING ERA: OBSERVATIONS FROM COMMERCIAL BANKS IN HO CHI MINH CITY	556
Nguyen Quang Trung	556
VIRTUAL REALITY: AN INNOVATIVE TOOL IN TOURISM EXPERIENTIAL MARKETING	564
Thanh Nguyen Ngoc Le ¹ , Khuong Thanh Nguyen ²	564
THEORETICAL CONCEPTS OF STRATEGIC POSITIONING FOR PLACE BRANDING: A CASE STUDY OF DONG THAP PROVINCE	580
Phan Bao Giang.....	580
LITERATURE REVIEW ON THE IMPACT OF DIGITAL MARKETING ON VIETNAM'S SMALL AND THE MEDIUM BUSINESS ENTERPRISES (SMEs)	587
Lê Kim Nguyên *	587

CHALLENGES FACED BY TEACHERS IN NON-TRADITIONAL EDUCATION

PROPOSE AN ONLINE TEACHING COMPETENCE SCALE FOR UNIVERSITY LECTURERS	596
Duong Thi Kim Oanh*, Dang Thi Dieu Hien	596
EXAMINE USAGE OF LEARNING MANAGEMENT SYSTEMS (LMSS) BY FACULTY STAFF AT UNIVERSITY OF ECONOMICS (UEF) AND FINANCE WITH EXPANDED TECHNOLOGY ACCEPTANCE MODEL (TAM).....	608
Ha Truong Minh Hieu, Ngo Minh Hai*, Mach Tran Huy.....	608

DIGITAL TRANSFORMATION
AN INDISPENSABLE EVOLUTION FOR SUSTAINABLE CORPORATES

FACTORS AFFECTING THE APPLICATION OF STRATEGIC MANAGEMENT ACCOUNTING AT MANUFACTURING ENTERPRISES IN BINH DUONG PROVINCE	618
Truong Thanh Loc ^{1*} , Nguyen Thi Thanh Truc ²	618
HRM DIGITAL TRANSFORMATION: TAKING A ROAD OF SUCCESSION PLANNING ..	629
Trương Phan Hoàng Anh, Giang Ngọc Anh.....	629
THE IMPLICATION OF CONTACTLESS SERVICE AS A TOOL TO IMPROVE CUSTOMER REVISIT INTENTION	640
Linh, Nguyen Duy Yen*	640
TOURISM BRAND LOVE IN THE DIGITAL AGE: THE ROLE OF ONLINE TOURIST EXPERIENCES, TOURIST-BRAND RELATIONSHIP QUALITY AND SUSTAINABILITY	651
Thanh Nguyen Ngoc Le	651
CONDUCTING FOCUS GROUPS IN CROSS-CULTURAL SCHOLARSHIP OF TEACHING AND LEARNING (SoTL): A COMPARATIVE CASE STUDY	662
Punithan Moganathas ¹ , Jenny Hill ² , Andy V.-M. Kok ² , Matt Barr ² , Ruffin Relja ^{2*} , Philippa Ward ² , Duong Tran Quang Hoang ³ , Quynh Phuong Tran ³	662
LEVERAGING DIGITAL TRANSFORMATION FOR SUSTAINABLE CORPORATE EVOLUTION IN VIETNAM	677
Nguyen,Tan Dat ¹ , Le,Dinh Thang ²	677

INFORMATION TECHNOLOGY AND APPLICATIONS

FB-PROPHET MODEL FOR TIME SERIES FORECASTING IN SALES	691
Thanh Cong Tran	691
USING AI CODE IN C# PROGRAMMING	698
Nguyen Ha Giang.....	698
DETERMINANTS OF CONTINUANCE USAGE INTENTION OF MOBILE FOOD ORDERING APPLICATIONS (MFOAS) AMONG VIETNAMESE USERS: THE MEDIATING ROLE OF E- SATISFACTION	705
Lam Hoang Phuong ^{1*} , Nguyen Thi Kim Lien ² , Tien Hung Nguyen ³ , Vinh Long Nguyen ⁴	705
DECODING MARKETING INSIGHT: INSIGHT FROM OUTSIDE.....	718
Hoàng Thị Hằng, Trần Thành Công*	718
DIGITAL DISRUPTION AND DATA SECURITY: HOW FINTECH IS RESHAPING BANKING ...	724
Hoàng Văn Hiếu, Trần Ngọc Thiên Ngân.....	724

TRENDS AND ISSUES IN ENGLISH LANGUAGE EDUCATION AND RESEARCH

EFL LEARNERS' ATTITUDES AND LEARNING ENGAGEMENT IN COMMUNICATIVE GAME-BASED GRAMMAR TEACHING	736
Nguyen Thi Thanh Huyen ¹ , Tran Quoc Thao ²	736
APPROACHES TO TEACHING L2 LISTENING:.....	749
CLOSING THE GAP BETWEEN REAL-LIFE AND CLASSROOM-BASED LISTENING	749
Luu Thi Mai Vy	749
DEFINING ROLES OF STUDENT ENGAGEMENT IN THE 21ST CENTURY LANGUAGE CLASSROOM	755
Ho Xuan Tien, Duong My Tham.....	755
EFL STUDENTS' ATTITUDES AND LEARNING INVESTMENT IN PORTFOLIO - BASED ENGLISH WRITING LEARNING: A LITERATURE REVIEW	763
Ly Gia Huy ¹ , Tran Quoc Thao ²	763
EXPLORING EFL LEARNER IDENTITIES IN PROJECT-BASED LANGUAGE LEARNING AT A HIGH SCHOOL IN AN GIANG PROVINCE	774
Nguyen Hong Thien ¹ , Tran Quoc Thao ²	774
THE VALUES OF SYNTACTIC COMPLEXITY IN ACADEMIC WRITING: A LITERATURE REVIEW	791
THE ISSUE OF AMBIGUITY IN THE ENGLISH LANGUAGE.....	801
Nguyen Dinh Tuan	801
RESEARCH PERSPECTIVES ON JUNIOR HIGH SCHOOL EFL STUDENTS' MOTIVATION IN ENGLISH LANGUAGE LEARNING	812
Huynh Thanh Nhon ¹ , Tran Quoc Thao ²	812
EXPLORING THE INFLUENCE OF WRITING ANXIETY ON VIETNAMESE ESL UNDERGRADUATES' WRITING PERFORMANCE: A QUANTITATIVE STUDY.....	821
Nguyen Ngoc Nguyen, Nguyen Hoang Phan.....	821
THE APPLICATION OF THE "FLIPPED CLASSROOM" MODEL IN TEACHING ENGLISH IN THE VIETNAMESE UNIVERSITY EDUCATION ENVIRONMENT	838
THE USE OF RESOURCE MANAGEMENT STRATEGIES IN EFLFLIPPED CLASSROOMS	847
Nguyen Quynh Thao Vy ^{1,*} , Duong My Tham ²	847
INSIGHTS INTO ENGLISH MAJOR STUDENTS' USE OF PHRASAL VERBS IN ACADEMIC WRITING.....	860
Do Thi Thanh Thuy, Tran Quoc Thao	860

LAW IN THE CONTEXT OF INTERNATIONAL INTEGRATION

LEGALISING INTELLECTUAL PROPERTY INFRINGEMENTS IN RUSSIA – A WAR TACTIC IN THE CONTEXT OF RUSSIA’S INVASION OF UKRAINE.....	869
Bui Thi Hong Ninh*	869
MODEL OF ASSET REGISTRATION WORLDWIDE AND LESSONS FOR VIETNAM IN IMPROVING ASSET REGISTRATION LAWS.....	880
Vu Anh Sao ^{1,2} , Nguyen Thi Xuan Mai ²	880
LEGAL ISSUES ARISING FROM THE DEVELOPMENT, IMPLEMENTATION, AND USE OF ARTIFICIAL INTELLIGENCE (AI) - INTERNATIONAL EXPERIENCES AND LESSONS FOR VIETNAM	887
Le Hoang Minh Huy*, Nguyen Thi Thu Ha, Dao Trong Duc, Ky Dieu Linh, Bui Thi Thuy Linh, Nguyen Nam Trung.....	887
SOUTH KOREA’S EXPERIENCES ON PROPERTY REGISTRATION LAW - LESSONS FOR VIETNAM	896
Vu Anh Sao, Pham Huynh Bao Oanh.....	896
THE RISE OF REMOTE WORK: LEGAL CHALLENGES AND IMPLICATIONS FOR EMPLOYMENT LAW IN VIETNAM	903
Nguyen Thi Xuan Mai ¹ , Nguyen Thi Ngoc Loan ²	903
CHALLENGES AND RECOMMENDATIONS FOR THE LEGAL FRAMEWORK IN THE EMERGING AGE OF ARTIFICIAL INTELLIGENCE.....	910
Nguyen Thi Thu Trang	910
THE IMPACTS OF GLOBAL MINIMUM TAX ON FOREIGN DIRECT INVESTMENT (FDI) CORPORATIONS IN VIETNAM.....	921
Trần Ngọc Thanh ¹	921
CROSS-BORDER E-COMMERCE ACTIVITIES AND TAX MANAGEMENT ISSUES	933
Le Huynh Phuong Chinh, Ngo Thi Khanh Linh, Pham Ngoc Lan Anh.....	933
EXPERIENCE IN KOREA AND CHINA ON TAX MANAGEMENT FOR CROSS-BORDER E-COMMERCE ACTIVITIES	941
Duong Anh Son ¹ , Tran Vang Phu ²	941
LEGAL PERSPECTIVE ON REGULATIONS RALATED TO PERSONAL INCOME TAX WHEN EARNING INCOME THROUGH E-COMMERCE PLATFORMS IN VIETNAM, TAKING THE CASE OF INDIVIDUALS DOING BUSINESS THROUGH TIKTOK APPLICATION.....	946
Nguyen Duc Tri ¹ , Hoang Minh Châu ²	946
THE COMPATIBILITY ON THE SCOPE OF MUTUAL LEGAL ASSISTANCE (MLA) IN CRIMINAL MATTERS AND THE CONDITIONS OF REFUSAL MLA IN CRIMINAL MATTERS BETWEEN VIETNAMESE LAW AND INTERNATIONAL TREATIES WHICH VIETNAM HAS SIGNED.	956

Pham Huynh Bao Oanh.....	956
TAX POLICY FOR E-COMMERCE OF COUNTRIES IN THE WORLD AND RECOMMENDATIONS TO VIETNAM.....	967
Nguyen Thanh Minh Chanh, Ha Thi Van Anh, Pham Lam Tam Nhu	967
LEGAL REGULATIONS FOR ENTERPRISE OBLIGATIONS TO PROVIDE INFORMATION ON E-COMMERCE PLATFORM	974
Truong Kim Phung*, Nguyen Hoang Chuong	974
“ROBOT TAX” – RECOMMENDATIONS FOR VIETNAM.....	981
Gian Thi Le Na, Pham Phuong Doanh.....	981
WTO APPELLATE BODY REFORM IN THE CONTEXT OF ESCALATING GEOPOLITICAL TENSIONS.....	988
Nguyen Nam Trung.....	988

LEGALISING INTELLECTUAL PROPERTY INFRINGEMENTS IN RUSSIA – A WAR TACTIC IN THE CONTEXT OF RUSSIA’S INVASION OF UKRAINE

Bui Thi Hong Ninh*

Ho Chi Minh City University of Economics and Finance

hongninhbui@gmail.com

Abstract

Russia’s invasion of Ukraine is considered as the most irrational humanitarian crisis since World War II. As a result of Russia being imposed a series of sanctions by Western countries following its invasion of Ukraine, Russia already has taken an unusual response to retaliate against “unfriendly” countries by using the intellectual property (IP) protected subjects from these countries without seeking the permission from the IP rights owners or having to pay any compensation. This means that all the IP rights of the individuals or companies from those countries who have issued sanctions against Russia in assistance of Ukraine have been suspended. The IP infringements have been legalised in Russia – a country inherently notorious for insufficiently and ineffectively protecting IP rights.

The actions of legalising intellectual piracy in Russia have negative impacts on the affected IP holders. The suspension of IP rights might be justified by Russia through the regulations on exceptions in case of national security under international law. Hence, it is necessary to have some feasible remedies being proposed by IP rights holders, foreign enterprises and their own governments to hold Russia accountable for its attack on IP rights and enforce their IP rights in Russia.

Keywords: *Economic Weapon, legalising Intellectual Property Infringements, Russia’s Invasion, War Tactic*

Introduction

Following Russia’s invasion of Ukraine in February 2022, different policies have been launched by Russian government to legalise violations of IP rights offered to IP rights holders from foreign countries.

These policies included no compensation for patent infringement, legalising trademark violation, prohibiting foreign IP rights holders from unilaterally terminating foreign licenses, legalisation of parallel imports and piracy, ... among other things.

This article will explore the measures applied by Russian government to legalise violations of IP rights owned by enterprises from foreign countries, and examine the impacts of these measures on the IP rights holders in general.

The article will also provide the possible justification for the suspension of IP rights by Russia and mention some similar cases regarding such IP suspension for reference. In addition, it will consider whether Russia’s suspension of IP rights owned by foreign companies may constitute a violation under international law.

Finally, the article will offer some recommendations and remedies for IP rights owners and enterprises to enforce their IP rights in the case of the war continuing and the current IP situation in Russia.

1. Russia's Attack on Intellectual Property

1.1. The Measures Applied by Russian Government

1.1.1. Allowing Compulsory License with No Compensation for Patent and Design Holders

On 6 March, 2022, Russian Prime Minister signed Decree No. 299 saying that the use of patented products by Russian businesses will not need to get the permission of the patent owners or pay any profit if the patent owners are from “unfriendly countries”. These countries are regarded to impose a series of economic and diplomatic sanctions on Russia or support such sanctions against Russia following Russia's invasion of Ukraine. The subject matters covered by the decree include inventions, utility models and industrial designs.

As a consequence, Russian enterprises now are authorised to use those protected subject matters owned by individuals or businesses from “unfriendly” countries. The compensation will be zero if the IP right owners are connected to unfriendly states.

1.1.2. Restricting Payment of Intellectual Property Licenses

Next, Decree No. 322 was signed by Putin on 27 May, 2022 forbidding Russian citizens from paying license fees for businesses from unfriendly countries to their foreign bank accounts. This requires that any IP payments must be deposited into a bank account with an authorised Russian bank in rubles (*The Status of Intellectual Property in Russia and Ukraine | International Trademark Association, 2023*). Foreign businesses wishing to have access or withdraw the funds from this account to a bank account outside of Russia must get permission from the Governmental Commission on Foreign Investments Control in Russia.

In case that the licensors from foreign countries have not agreed to open an authorised Russian bank account or get the deposit of license payments to such Russian account, the Russian licensees can have the right to continue using the relevant IP rights from foreign companies without the need of paying any license royalties.

1.1.3. Allowing Parallel Imports

The Russian government has also signed a law at the end of March 2022 that allowed parallel imports for some certain foreign commodities due to the supply shortage of imported products on the consumer market in Russia. This allows Russian companies to bring imported products from foreign countries into Russia without asking for permission from the rights holders.

Parallel imports without the authorisation of the rights holder were previously forbidden by Russian law, and the goods were regarded as counterfeit products. Currently, parallel imports ensure the passage of specific commodities into Russia. This policy will lead to an increase in competition among different brands because of a rise in the number of corporations that can import foreign products into Russia which will eventually result in a decline in retail prices of these products.

A “gray market” was allowed to operate throughout Russia which made certain imported products of foreign brands to be brought into Russia through unauthorised channels instead of traditional distributors in order to avoid some charges such as customs duties being applied before market entry. (*Russia's 2022 Parallel Imports to Reach 4% of 2021 Overall Imports | Reuters, 2022*)

A list of specific different commodities and brand names that could be imported legitimately into Russia through parallel imports was also issued by Russian government. A majority of these products

belonging to the automobile, computer, pharmaceutical, medical, chemical and garment sectors are all in shortage in Russia due to the departure of many western enterprises from this country.

It is said that allowing parallel imports may be only an interim measure which is valid through 2023 and all the way up to 2024 for medicines. The legalisation of parallel imports only applies to certain products from certain corporations which have exited Russian market. The lists have been updated regularly and some brands have also been removed from such lists because of such foreign companies resuming their activities in Russia or the availability of alternative goods on the Russian market.

It could be seen that Moscow has used many measures to legalise IP infringements to deal with the domestic market demand and we would not know what measure that Kremlin may apply in the future because the broad wording of those decrees being issued by Russia could allow the government to interpret it to the discretion that they wish.

IP rights owners from foreign countries were also threatened by Russian government by suggesting that it may legalise trademark infringements and software or copyright piracy. Although this extreme step has not been enforced by Russia, this still shows the defiant reaction of Russia against foreign enterprises to broaden its ambit of legalisation of IP infringements. However, there have been several cases where the trademarks of foreign companies were copied and used identically by Russian businesses, as in the case of McDonald's (*Russian Fast-Food Chain Backed by Parliament to Replace McDonald's Reveals near-Identical Branding* | *The Independent*, 2022). These measures could be reconsidered in the future in the context of ongoing tension among countries. It is only a matter of time before these policies are officially enacted.

1.2. The Impacts on IP rights holders

The actions of Russia related to IP rights are unprecedented, while the goals of such actions might be clear, the eventual consequences are unknown at this time. However, the impact on the rights of IP owners all over the world by these actions will be undoubted.

It is clear that the suspension of IP can have a variety of effects, including those significant consequences that we haven't even considered yet, especially with respect to the situation of actively waging war from Russia. The IP suspension can be extremely damaging to the creators' financial and non-financial incentives, as well as the economy in the long run. It means that all IP rights are now open to be violated and copied.

As regards trademark infringements, there have been many cases of Russian businesses running with the identical trademark of foreign companies. Some Russian companies have filed applications for trademarks for logos that are identical or similar confusingly to well-known icons of the internationally recognised products.

This might lead to significant loss to IP holders, and also destroy all the incentives for new creations. Especially, there have been several court decisions in Russia regarding trademark infringements in which the foreign rights holders seem less likely to get assistance from Russian courts to deal with trademark violations.

The luxury and high-end brands have been severely affected, especially the extreme damage to the reputation and value of such brands will become more real than ever, not to mention that these brands were already inherently badly affected because of the market for counterfeits in Russia and now may be degraded even further without the support and assistance of the law system in Russia to implement effectively the protection of IP rights. Without the strict control and implementation of IP rights, the market

for counterfeit goods of big brands in Russia will become more active as a result of an increase in the number of counterfeits.

As regards patents, patent violation may affect negatively foreign companies and inventors, as Russian companies now can easily copy and exploit patented products without compensation. It is also worth noting that one of the requirements for patent registration is that patent owners have to describe their inventions sufficiently so that anyone knowledgeable in the field can make and utilise it. Russian enterprises now can get such technical information of the inventions more easily and publicly than before and exploit the patents to increase their technological ability and production.

In addition, there is a possibility that Russian companies will potentially take advantage of the chance for IP violation and piracy to continue to infringe IP rights of foreign holders even if global hostilities end. Russia might not increase its technological innovation and production right away in the short term, but it is more likely that Russia will do everything in its power to increase their technological innovation capacity, have more access to advanced technology or even destroy foreign businesses and economy. Especially in the context of the ongoing global tensions between the West and Russia, we could not know how many new decrees will be issued and brought into effect on a daily basis by Russia to let Russian enterprises continue taking advantage of the chance for legalised IP violation and piracy.

At the end of the day, the Russian IP legislation might lead to foreign IP rights holders losing millions of dollars and extreme damage to well-regonised companies.

The suspension of IP rights will have lasting effects even well after the war ends in Ukraine. The irretrievable loss of IP rights will discourage IP holders from investing and running businesses in Russia when they know that their novel creations will be easily infringed and their investment will be hardly paid off and reciprocated. It might take decades for international corporations to believe that their IP rights can be protected and enforced by Russian legal system and be able to safely run business in Russia. Without any strict condemnation or punishment, Russia has already violated international rights, and will be more likely to continue doing so if their corporations continue follow this road. Sooner or later Russia will become the top global leader in the realm of IP infringement and piracy.

2. An Infringement under International Treaties

2.1. The Possible Justification for the Suspension of Intellectual Property Rights from Russia

The only justification that Russia could invoke to defend for its IP waiver is to use the regulation on security exception provided by WTO. This regulation on exception permits member states to use any necessary and appropriate measures in their power in times of conflict to maintain their territorial security or in or other extreme cases in international relations.

Such exception was also previously explained by WTO panel in 2019 through a dispute brought by Russia between Russia and Ukraine arising from Russia's invasion of Crimea in 2014. Russia stated that the application of prohibitions on transit and other limitations on the movement of commodities from Ukraine to Kazakhstan was essential in protecting Russia's security interests following its annexation Crimea (*WTO | Russia — Measures Concerning Traffic in Transit - DS512*, 2019). The WTO panel held that the Russia's measures were justified to safeguard its essential security interests and concluded that the justification weighed in favor of Russia. (*Panel Report, Russia — Measures Concerning Traffic in Transit*, WTO Doc. WT/DS512/7)

Therefore, Russia is more likely to state that the actions of suspending purposely and broadly IP rights of foreign enterprises have been taken this time to protect security interests in connection with armed conflict.

It seems that IP waiver has been a step of Russian government, Article 1360 of the Russian Civil Code (*Civil Code of the Russian Federation - Part Four*) which grants Russian government the right to utilise patents, utility models and industrial designs without needing to get permission of the IP rights holders in emergency cases of safeguarding national security or the lives and health of citizens. This is a "compulsory licensing" system that is specified in the majority of countries and has recently become a heated topic regarding COVID vaccines. Nonetheless, it is commonly necessary to compensate the IP rights owners. Through Russia's tactic of suspending IP rights, Russian entities can now use nearly all IP protected subjects such as using protected technological, pharmaceutical, industrial, and military patents for the benefits of Russian war, with impunity.

However, it could be easily seen that Russia has been in violation of international treaties because of its actions of threatening to confiscate property of foreign enterprises and failing to respect and implement its IP related obligations under these treaties, while the validity and membership of IP related international treaties currently remain still in effect. The international treaties being breached might include the European Convention of Human Rights (ECHR), TRIPS Agreement, Paris Convention, Patent Cooperation Treaty. In addition, there are Bilateral Investment Treaties (BITs) between Russia and different countries that may also be violated.

It is undeniable that IP suspension is essential for dealing with exceptional and emergency circumstances. However, Russia has been in violation of nearly all international law rules under the guise of its territorial security and any international legal action seems to be neglected by Russia.

2.2. Precedential Cases

IP rights have previously been suspended as part of other armed conflicts, but this appears to be the first time that IP rights have been so broadly and strongly suspended. The suspension of IP rights being exploited in the context of a tense conflict might not be seen at least for the past few decades.

Nonetheless, there are still several similar cases date back in World War I where the patents owned by those enemy countries such as Germany and Austria were expropriated by the Allies. This could also be seen clearly in the Trading with the Enemy Act 1917 issued by the United States which allowed to seize the patents and copyrights of the enemy countries or allies of enemy countries. As a result, thousands of enemy patents were captured by the United States. We could mention here the expropriation of the patent for Aspirin - a medicine being invented by a chemist of a German well-known pharmaceutical corporation Bayer over a century ago - was also seen as a result of this Act.

Additionally, Bayer's trademarks "Bayer" and "Aspirin" were also confiscated in the United States, France, the United Kingdom, and the majority of the British Commonwealth who were all allies against Germany. Bayer surrendered "Aspirin" trademark to those countries as a way of Germany's war compensation discussed and accepted under the Treaty of Versailles (*How Russia is using intellectual property as a war tactic | The Conversation*. 2022). The company was just able to regain the protection for "Bayer" trademark in the US until the year of 1994. (Strowel, 2011)

The German and Austro-Hungarian camps also applied some similar measures of expropriating patents and copyrights. However, Germans were more against such measures because they owned a huge number of patents abroad which were of a higher value than that held by the nationals of the Allies in Germany.

A similar Trading with the Enemy Act (1914) was also adopted by the United Kingdom which led us to the famous case of *Daimler Co Ltd v Continental Tyre and Rubber Co (Great Britain) Ltd*. Continental Tyre and Rubber Co Ltd (Continental) was a British company with the majority of its shares

being owned by German residents and all directors were also German nationals. Continental supplied tyres to Daimler, but Daimler was worried that making payments to Continental would be seen as an act of violation of the Trading with the Enemy Act 1914 and therefore become unlawful. The case was brought to court by Daimler to determine whether Daimler could make such payments, given that it was the World War I.

The House of Lords on appeal held that Continental was capable of obtaining enemy character. Although the company was incorporated in England, it was still regarded as controlled by German corporators. The war provided the possibility that the character of its corporators/managers/directors would affect the character of the company. The acts of the company's organs therefore were the company's acts and may have the enemy character.

The similar measures of expropriation and seizure of copyrights, patents or assets of enemy countries were also similarly adopted during World War II. It could be seen that there was a dramatic decline in the sharing of patents and subjects of IP rights during both World War I and World War II as a result of these policies, because there was no country wishing to disclose their technological advances to other countries.

Governments on both camps of the war always found ways to implement the actions of seizing and expropriating the enemy properties. These assets could be their enterprises, real estates, patents, copyright, shares, money in bank accounts, ... IP rights apparently have been exploited and weaponized as a war tactic during the war. This could be understandable because IP rights could have some directly or indirectly certain impacts on the economic or political stances of many countries being influenced by the war.

3. Possible Remedies

Russia's actions introduce new obstacles for foreign enterprises which leads to a necessity of the development of new solutions. Controlling the impact of those actions and proposing some measures to protect their IP rights are of importance.

Legal and non-legal strategies for seeking compensation or restoring damages should be suggested and the governments and international organisations also play pivotal roles in securing these solutions.

3.1. A Route through Bilateral International Treaties (BITs)

One possible remedy for foreign businesses seeking IP protection and compensation from Russian actions would be through the implementation of BITs between their countries and Russia. BITs would regulate the legal protections for foreign investors and also provide the mechanism of dispute settlement regarding discriminatory treatments against them by Russia. Exploiting the regulations of their country's respective BIT to bring Russia to international arbitration for any loss caused by Russia's actions in breach of the treaty.

Russia has BITs with many countries in which Russia has to treat foreign investors in a fair and equitable manner, not to discriminate against such investors based on their nationality, not to confiscate their investments except under specific conditions, and to ensure their right to freely transfer funds/profits relating to their investments out of Russia. This is the basic protection for foreign businesses in BITs, although the language of free transfer provisions may be different among BITs. However, Russian actions seems to be in violation of such free transfer obligations and also constitute breaches of other BIT protections such as protections against confiscation and discriminatory treatment (*Investment Treaties May Provide a Remedy for Foreign Investors Against Russia's Retaliatory Measures* | Covington & Burling LLP, 2022).

These BITs provide foreign companies with a recourse to make investment arbitration claims against Russia. Bringing a claim against Russia could concentrate on Russia's discriminatory policies and IP protection for local businesses over foreigners.

Russia's arbitration consent may be different from each treaty, with certain treaties allowing a broader range of disputes to be settled under international arbitration than others. The judgments of such arbitral tribunals are important for foreign businesses because they can find the infringements by Russia through provisions in BITs and also be able to issue an award on compensation for damages. Awards issued by arbitration might be enforced against the properties of Russian government abroad, so the affected companies could discuss with their own governments to find ways to implement those awards. It could be seen as a feasible solution because many countries already imposed the sanctions of blockading the Russian government's assets overseas. Russia's assets being confiscated abroad could become an ideal recourse for the affected enterprises seeking compensation through BITs with Russia in case of Russia refusing to pay compensation for them. The US government used to confiscate properties of countries supporting terrorism such as the Afghan government (*Investment Treaties May Provide a Remedy for Foreign Investors Against Russia's Retaliatory Measures* | Covington & Burling LLP, 2022).

Therefore, the enforcement of BITs could be considered as the most effective recourse for a lot of foreign companies with investments in Russia to recoup the damages and losses resulting from Russia's actions.

3.2. An Approach through International Treaties

In case of not having a BIT or similar bilateral agreement, foreign enterprises could rely on international law and multilateral treaties to force Russia to fulfil its obligations. The suspension of patents and other IP rights owned by foreign corporations by Russia may be a violation of international treaties that safeguard these assets on a worldwide scale.

Another path for foreign enterprises is through arbitration under multilateral treaties. Russia has been a member of WTO since 2012, so the international principles under the General Agreement on Tariffs and Trade (GATT), the Trade-Related Aspects of Intellectual Property Rights (TRIPS) such as most-favored nation treatment that Russia has to respect and follow. In addition, enterprises could exploit the clauses on dispute settlement or mechanism for addressing moderately the issues of concern with fellow signatories in other multilateral agreements such as Paris Convention 1883, Universal Copyright Convention 1952 instead of acting unilaterally.

On behalf of impacted companies, the countries may employ dispute-resolution mechanism from multilateral treaties such as GATT or TRIPS to hold Russia accountable for its unfair economic policies. Article XXII in the GATT allows a party to seek a satisfactory remedy with Russia, if not successful, an investigative panel could be appointed to assess objectively the issue of dispute. Besides, Russia could be brought before a WTO tribunal/court by relevant countries to answer for its purposeful suspension of IP enforcement in breach of Articles III, IV, and VI of TRIPS.

However, it seems that Russian government is more likely to neglect and not follow these multilateral treaties. Therefore, proper punishments should be issued on Russia to prevent further aggressive actions.

Exploiting international principles and rules on dispute-resolution mechanism under multilateral treaties could be another option to be taken into account by foreign in case of the war continuing. Nevertheless, the end of the armed war might help reduce the tension on the present war on IP to some extent.

Generally, the actions and retaliatory measures of Russia remind us that the international legislation is fragile and could easily be underestimated by countries that aggressively refuse to follow their international responsibilities like Russia.

3.3. Other Recommendations

In the context of ongoing war, there has been a lot of change in the way of operation of IP offices in Russia. Some offices may not run in full speed as previously or stop their operation temporarily, or no longer accept physical filing of IP registration. Hence, businesses need to get updates from these IP offices to be able to get related documents, notifications on time in order to avoid the delay in receiving, providing their documents and even affect the whole process of IP protection.

The status of any current registration applications in Russia and the time for renewal or maintenance of existing applications should be evaluated and examined. It is also noticeable that paying fees for dealing IP related issues such as prosecutions, annuities and renewals is also challenging because there have been amendments on making payments through bank accounts and bank systems. Businesses may be prevented from making payments of renewal or maintenance fees in connection with existing patents or registered trademarks through the current financial institutions. Therefore, it is not easy as before, although the payments can still be made via non-sanctioned banks.

Some Russian businesses and individuals take advantage of the war to register for trademarks that are confusingly similar or bear striking resemblances to well-known trademarks of foreign owners, such as Adidas, Instagram, Mercedes-Benz, Starbucks, ... Therefore, foreign corporations need to be aware and active in raising objections against such bad-faith applications if necessary.

The market for knockoffs and counterfeits in Russia is predicted to operate more actively than before with the lack of control from the government and law system. Hence, foreign companies should also consider increasing IP protection in other countries that are not in the list of “unfriendly countries” of Russia. These nations could probably have commercial transactions with Russian enterprises relating to trading knockoffs and counterfeit goods.

Protecting the IP rights of foreign companies after departure from Russian market might be challenging, because it seems that the state of war is not recognised in Russia and the force majeure rules may be hard to be applied, withdrawing from the market hence may not be regarded as a sufficient rationale for non-use of the trademark. The non-use of trademarks in several consecutive years could lead to the cancellation of such trademarks. Businesses should think about the reasons and arguments for non-use of trademarks in Russia properly or consider the option of re-filing the trademark registration application, for example, a slightly updated or stylized logo/label for new products and services. In the case of exiting Russian market and announcing such withdrawal publicly, businesses could consider the option of licensing the trademark right to another party.

Seeking protection should also expand to all other subjects of IP rights such as patents, utility models, industrial designs and copyright.

Other tools or short-term measures to alleviate the damage to their IP rights such as restricting the distribution of goods, sales or transactions with Russian companies to decrease exposure to their IP rights infringement in Russia.

Some foreign companies chose to settle with their subsidiaries in Russia or carry out the transfer of properties and business activities to local businesses (*Hope for the Best, Prepare for the Worst: Consequences of Winding Business Down for A Brand* | Gorodissky & Partners, 2022). Some other companies chose to leave the Russian market without caring much about the loss and damage by selling

their assets to a state-run company for an extremely small amount of money such as Pizza Hut, Nissan Motor, ... (*Nissan Exits Russia Selling Assets for 1 Dollar* | *Fortune*, 2022)

However, the process of discussions on settlement with locally-managed enterprises has not been easy because of most sanctions still being in effect and Russia government maintaining a tight control over the private sector.

Pursuing litigation in Russia's judicial system is also a way to force Russia to carry out its obligations in multilateral agreements on copyright or trademark infringement. It seems that foreign corporations may not have a strong voice in seeking the enforcement of their IP rights. In addition, recent Russian court decisions also cause some worries for foreign companies, such as the court decision of refusing to enforce protection of Peppa Pig trademark and dismissing claims brought to court that such trademark had been violated without taking into account the arguments of the claimant. This court decision was affected by the sanctions of the UK against Russia. Therefore, the judge concluded that the plaintiff's actions in making a claim were an "abuse of right" (Case No. *A28-11930/2021*). Luckily, this decision was overturned by a higher court on appeal. However, the defendant in this case was only required to compensate the plaintiff a small amount of 20,000 rubles (around 330 USD) (*Russia Rejects Peppa Pig Trademark Infringement Claim to Retaliate against Sanctions for Ukraine War* | *The Independent*, 2022).

There also have been some court decisions upholding foreign rights owners' IP claims and Russia's obligations under international treaties in litigation on IP disputes. Nevertheless, some court judges have sided with Kremlin line, so some politically colored court decisions might continue to be issued by them.

Hence, filing claims against private parties in Russia might not always lead to a decision in favor of foreign enterprises. In case of a court decision issued in favor of foreign owners, compensation being granted has been not significant. (Usherenko, 2023)

For some enterprises that are still not in a rush to have business operations in Russia, it is essential to consider financial aspects and efforts to proceed with IP protection in Russia in the current IP situation and deteriorated legislation in Russia. Russia may choose another solution to promote trade and strengthen ties with other markets such as China, India instead of reconciling with western countries and succumbing to their requirements and pressure. Therefore, for western businesses with the hope of protecting their IP rights and maintaining their presence in the Russian market, it is time for them to reconsider because it is not worthy to exert more of their time and effort to maintain such presence in Russia. Dealing with the leadership strategy with an adverse attitude from Russia toward the west is not easy.

The exchange of ideas and interactions was also damaged by wars, so it is essential to encourage the free exchange of ideas and restore the deteriorated IP framework after the destroying effects of war. The unified enforcement of IP rights in all nations requires the collective effort and cooperation. Each country will not be alone and all can get aid from other countries in the war against the illegal actions of aggressive countries.

Holding Russia accountable for its actions should not be exploited through only a single strategy. Therefore, a combination of different approaches and solutions should be exploited by the affected enterprises, including private sector remedy, public-sector strategy. Both businesses and their governments should not act alone when dealing with Russia, ensuring the consistent remedies that help make the interests of companies in correspondence with the objectives of their governments' administration and the rules of international organisations.

Conclusion

As a result of Russia's economy being isolated by the "unfriendly" countries who support Ukraine in Russia's war on Ukraine, Russia has taken a series of responsive measures targeting multinational enterprises from these countries. A surprising attack on different subjects of IP rights has been conducted by Russia in order to weaken the multinational businesses' IP protections, ranging from patents, industrial designs to trademarks. It could be seen that IP rights have been exploited as an economic war tactic by Russia.

The justification might be used by Russia to legalise its' responsive measures could be to rely on exemptions in national emergency being regulated under international law. The countries are allowed to take any measure essential for safeguarding their national security in the context of an armed war.

Russia's suspension of IP rights will have lasting effects for a long time to the affected entities, even when the hostilities come to an end in Ukraine. Therefore, various strategies and remedies should be taken to be able to safeguard their IP rights and get compensation for damages caused by the legalisation of IP violations from Russia. A combination of different tactics should be exploited and enforced by both enterprises, their national governments and international organisations, because they should not act alone when dealing with the aggressive leadership under Putin's regime.

Different possibilities that could occur when the war continues. The actions taken by Russia might help the internal businesses, domestic market and Russia's economy in the short term, but they will negatively affect the possible future of returning to Russian market by multinational companies.

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HO CHI MINH CITY UNIVERSITY OF ECONOMICS AND FINANCE

141 - 145 Dien Bien Phu, Ward 15, Binh Thanh District, HCM City

Website: uef.edu.vn - Hotline: (028) 5422 6666 * (028) 5422 5555