

# Managing Intellectual Property

## The Global IP Resource

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### A commitment to protecting IP

Since Vietnam's entry to the WTO, member countries have grumbled about Vietnam's seemingly toothless enforcement of IP rights. In recent years, however, Vietnam has made a strong commitment to encouraging more foreign investment and protection of IP is at the foundation of this cause. A recent decision issued by the Copyright Office of Vietnam (COV) highlights the country's commitment to protecting IPRs and may offer some peace of mind to both foreign and domestic businesses.

On April 28 2010, the COV issued Decision No 14/QD-QTG, revoking a copyright certificate that had been inappropriately issued for a trophy annually awarded to local businesses. The Golden Cup of Cultural Businessmen copyright had been registered with the COV since May 2005. However, another copyright was later issued to Vietnam Trading Promotion Joint Stock Company for a trophy with a strikingly similar representation. The COV explained that the latter copyright violated the exclusive right to reproduction as stipulated in Article 20.1(c) of the Law on intellectual property and then issued the aforementioned decision to revoke the latter copyright.

The Golden Cup of Cultural Businessmen trophy is an annual award issued by the Vietnam Cultural Centre. The original trophy is outfitted with a traditional Vietnamese brass drum, called Dong Son. Although the Dong Son is a common symbol and can be found in a wide variety of uses throughout Vietnam, the second copyright was seen to infringe upon the original owner's copyright. Based on the decision, it is unclear whether the COV considered the idea/expression concept under Vietnamese law.

As Vietnam changes from a purely centrally planned economy to a market oriented economy, the promotion of competition will play a vital role in its IP laws. The recent decision issued by the COV is recognition of the important balance that must be struck and underscores Vietnam's increasing dedication to protecting IP.



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