

## MARCH 2009 Vietnam: Government initiatives help rights holders

**01 Mar 2009**

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On February 4 2009, Vietnam issued Circular no 22/2009/TT-BTC providing new official fees for obtaining and maintaining IP rights. Circular 22 will enter into effect on March 21 2009 and replaces the fee schedule issued in 2004.

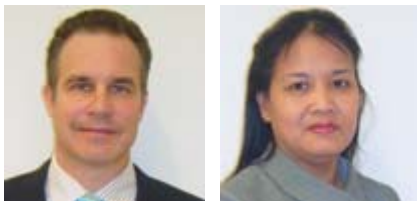
Circular 22 sets forth fees for a number of items for which fees previously had not been prescribed, such as fees for accelerated examination and for late entry into national phase for PCT applications. The new regulations provide for reduced filing fees for electronic filing of applications. E-filing should be available soon in Vietnam.

The Prime Minister issued Directive no 36/2008/CT-TTg On Increasing the Management and Enforcement of Copyright and Related Rights Protection in December 2008. Directive 36 instructs authorities to step up copyright enforcement measures, including surprise inspections of facilities across the country in the first quarter of 2009. Authorities are also directed to license and create favourable conditions for collecting societies. Directive 36 exhorts copyright compliance by amusement parks, hotels, karaoke bars, supermarkets, and in the information technology sector, as well as in press activities.

The Ministry of Informatics and Communication issued Circular no 07/2008/TT-BTTTT on December 18 2008. This governs the use of blogs, which are becoming increasingly popular in Vietnam, especially among students. Circular 7 specifically prohibits IP infringements in blogs.

The Minister of Education and Training issued Decision no 78/2008/Ed-BGDDT Promulgating the Regulations on the Management of Intellectual Property in University Education Facilities on December 29 2008. Decision 78 contains basic provisions on issues related to IP developed by universities, such as from research activities. The provisions govern such issues as ownership of inventions, division of royalties, and the exploitation of rights, as well as disclosure and confidentiality issues.

Also, the Vietnamese government will soon issue a new decree on administrative fines in the area of copyright. The maximum administrative fine for infringement is expected to be raised to VND500 million (\$31,000). Copyright enforcement is improving in Vietnam, and last year several large settlements were recorded for copyright infringements. The foregoing developments should strengthen copyright enforcement in Vietnam even further.



*Thomas J Treutler and Nguyen  
Thi Phi Nga*