

Legal Update: New Provisions on Domain Names in Vietnam

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In October 2015, a number of key new provisions related to domain name cases entered into effect in Vietnam. The regulations were promulgated under Circular 24 of the Ministry of Information and Communication (MIC). Below we provide a list of some of the key highlights of Circular 24:

- Providing an additional ground for revocation of domain names via administrative measures (i.e., a decision on administrative sanction by an inspectorate of information and communication). However, Circular 24 does not provide a specific basis for the revocation of domain names under a decision on administrative sanctions from the Inspectorate of Ministry of Science and Technology (MOST) which most frequently rules on IP violations related to domain names. Therefore, until the regulations are tested, it is unclear whether the MIC will enforce decisions on IP infringements related to domain names that are issued by MOST.
- Setting forth a new provision related to the handling of disputed “.vn” domain names, where a conciliation accord which is reached by the parties, effective arbitrator’s decision, or effective verdict or judgment of the court clearly allows the plaintiff to apply for registration of domain names which are in dispute and revoked. Specifically, if the plaintiff does not register the disputed and revoked domain name within a permitted period of 15 working days from the effective date of successful conciliation record, the arbitrator’s decision or the verdict or judgment of the court, such domain names will be available for registration by any party. Importantly, however, the arbitration mechanism for domain name dispute resolution in Vietnam is not currently feasible in practice.
- Establishing limitations on the scope of operation of “.vn” domain name foreign registrars. Circular 24 only allows foreign registrars to provide “.vn” domain name registration service outside Vietnam, while in previous legislation they were allowed to provide this service both in and outside Vietnam.
- Simplifying administrative procedures for operation of international domain name registrars. While previously international domain name registrars were required to register their operations with the MIC and could not operate before the MIC issued the notice of receiving valid and complete registration dossiers from registrars, Circular 24 replaces this with a simpler requirement of merely reporting their service activities to the MIC.
- Introducing a new generic top-level domain name (New gTLD) which is expanded for direct assignment to worldwide organizations or individuals under the New gTLD program of ICANN. According to Circular 24, enterprises must seek written opinions from the MIC before they register with ICANN to use New gTLD in Vietnam, and after ICANN officially transfers New gTLDs to enterprises, they must send the written notification to the MIC.

To learn more about the details of the Circular 24/2015/TT-BTTTT on the management and use of Internet resources, please contact vietnam@tilleke.com.