

WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

VIET NAM

The following communication, dated 21 January 2008, is being circulated at the request of the Delegation of Viet Nam.

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization (WTO) and Other International Organizations at Geneva presents its compliments to the Secretariat of the World Trade Organization Office at Geneva and has the honour to send herewith the notification under Article 63.2 of the Agreement with reference to the review of its TRIPS implementing legislation and answers to the Checklist of Issues on Enforcement.¹

Enclosures: - Main dedicated intellectual property laws and regulations
 - All the laws and regulations are being notified in English
 - Answers to the Checklist of Issues on Enforcement.

¹ See document IP/N/6/VNM/1.

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p>All subject matters</p> <p><u>Civil Code</u>² Part Six Date of adoption: 14 June 2005 Date of entry into force: 01 January 2006</p> <p><u>Intellectual Property Law</u>³ Date of adoption: 29 November 2005 Date of entry into force: 01 July 2006</p> <p>Copyright and Related Rights</p> <p><u>Civil Code</u>² Part Six – Chapter 34 – Articles 736-749 Date of entry into force: 01 January 2006</p> <p><u>Intellectual Property Law</u>³ Part Two) Date of entry into force: 01 July 2006</p> <p><u>Decree No. 100/2006/ND-CP of 21 September 2006 of the Government</u>⁴ Date of entry into force: 17 October 2006</p>	<p>Basic law on intellectual property, which states that intellectual property rights, including copyright and related rights, industrial property rights and rights to plant varieties, are property rights; reaffirming civil principles of intellectual property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p> <p>Comprehensive law governing all aspects of intellectual property rights, containing provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of IPRs.</p> <p>This Chapter provides civil principles of copyright and related rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p> <p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of copyright and related rights.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning copyright and related rights.</p>

² The WTO Secretariat has been in contact with the Mission and the text will be circulated as soon as received.

³ See document IP/N/1/VNM/I/1.

⁴ See document IP/N/1/VNM/C/1.

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p>
<p><u>Decree No. 56/2006/ND-CP of 6 June 2006 the Government</u>²</p> <p>Date of entry into force: 1 July 2006</p>	<p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of culture and information.</p>
<p><u>Directive No.04/2007/CT-TTg of 22 February 2007 of the Prime Minister</u>²</p> <p>Date of entry into force: 14 March 2007</p>	<p>The Directive mandates measures for intensifying the protection of copyright to computer programs.</p>
<p>Trade Marks (including Trade Descriptions)</p> <p><u>Civil Code</u>²</p> <p>Part Six – Chapter 35 – Articles 750-753</p> <p>Date of entry into force: 01 January 2006</p>	<p>This Chapter provides civil principles of industrial property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p>
<p><u>Intellectual Property Law</u>³</p> <p>Part Three)</p> <p>Date of entry into force: 01 July 2006</p>	<p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of rights to trade marks.</p>
<p><u>Decree No. 103/2006/ND-CP of 22 September 2006 of the Government</u>⁶</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning industrial property rights, including rights to trade marks.</p>
<p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p>

⁵ See document IP/N/1/VNM/I/2.

⁶ See document IP/N/1/VNM/I/3.

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Decree No. 106/2006/ND-CP of 22 September 2006 the Government</u>⁷</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of industrial property.</p>
<p><u>Circular No. 01/2007/TT-BKHCN of 14 February 2007 of the Ministry of Science and Technology</u>⁸</p> <p>Date of entry into force: 6 May 2007</p>	<p>The Circular makes detailed provisions on the procedures for registration of industrial property rights, for guiding the implementation of Decree No. 103/2006/ND-CP of 22 September 2006 of the Government.</p>
<p>Geographical Indications</p>	
<p><u>Civil Code</u>²</p> <p>Part Six – Chapter 35 – Articles 750-753</p> <p>Date of entry into force: 01 January 2006</p>	<p>This Chapter provides civil principles of industrial property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p>
<p><u>Intellectual Property Law</u>³</p> <p>Part Three</p> <p>Date of entry into force: 01 July 2006</p>	<p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of rights to geographical indications.</p>
<p><u>Decree No. 103/2006/ND-CP of 22 September 2006 of the Government</u>⁶</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning industrial property rights, including rights to geographical indications</p>
<p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p>
<p><u>Decree No. 106/2006/ND-CP of 22 September 2006 the Government</u>⁷</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of industrial property.</p>

⁷ See document IP/N/1/VNM/E/1.

⁸ See document IP/N/1/VNM/I/4.

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<p><u>Circular No. 01/2007/TT-BKHCN of 14 February 2007 of the Ministry of Science and Technology</u>⁸</p> <p>Date of entry into force: 6 May 2007</p> <p>Industrial Designs</p> <p><u>Civil Code</u>²</p> <p>Part Six – Chapter 35 – Articles 750-753</p> <p>Date of entry into force: 01 January 2006</p> <p><u>Intellectual Property Law</u>³</p> <p>Part Three)</p> <p>Date of entry into force: 01 July 2006</p> <p><u>Decree No. 103/2006/ND-CP of 22 September 2006 of the Government</u>⁶</p> <p>Date of entry into force: 21 October 2006</p> <p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵</p> <p>Date of entry into force: 21 October 2006</p> <p><u>Decree No. 106/2006/ND-CP of 22 September 2006 the Government</u>⁷</p> <p>Date of entry into force: 21 October 2006</p> <p><u>Circular No. 01/2007/TT-BKHCN of 14 February 2007 of the Ministry of Science and Technology</u>⁸</p> <p>Date of entry into force: 6 May 2007</p>	<p>The Circular makes detailed provisions on the procedures for registration of industrial property rights, for guiding the implementation of Decree No. 103/2006/ND-CP of 22 September 2006 of the Government.</p> <p>This Chapter provides civil principles of industrial property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p> <p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of rights to industrial designs.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning industrial property rights, including rights to industrial designs.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p> <p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of industrial property</p> <p>The Circular makes detailed provisions on the procedures for registration of industrial property rights, for guiding the implementation of Decree No. 103/2006/ND-CP of 22 September 2006 of the Government.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Patents</p> <p><u>Civil Code</u>² Part Six – Chapter 35 – Articles 750-753 Date of entry into force: 01 January 2006</p> <p><u>Intellectual Property Law</u>³ Part Three Date of entry into force: 01 July 2006</p> <p><u>Decree No. 103/2006/ND-CP of 22 September 2006 of the Government</u>⁶ Date of entry into force: 21 October 2006</p> <p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵ Date of entry into force: 21 October 2006</p> <p><u>Decree No. 106/2006/ND-CP of 22 September 2006 the Government</u>⁷ Date of entry into force: 21 October 2006</p> <p><u>Circular No. 01/2007/TT-BKHCN of 14 February 2007 of the Ministry of Science and Technology</u>⁸ Date of entry into force: 6 May 2007</p> <p>Plant Varieties</p> <p><u>Civil Code</u>² Part Six – Chapter 35 – Articles 750-753 Date of entry into force: 01 January 2006</p>	<p>This Chapter provides civil principles of industrial property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p> <p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of patent rights.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning industrial property rights, including patent rights.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p> <p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of industrial property.</p> <p>The Circular makes detailed provisions on the procedures for registration of industrial property rights, for guiding the implementation of Decree No. 103/2006/ND-CP of 22 September 2006 of the Government.</p> <p>This Chapter contains civil principles of rights to plant varieties (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Intellectual Property Law</u>³ Part Four Date of entry into force: 01 July 2006</p> <p><u>Decree No. 104/2006/ND-CP of 22 September 2006 of the Government</u>⁹ Date of entry into force: 2 November 2006</p> <p><u>Decree No. 57/2005/ND-CP of 27 April 2005 of the Government</u>² Date of entry into force: 18 May 2005</p> <p>Layout-designs (Topographies) of Integrated Circuits</p> <p><u>Civil Code</u>² Part Six – Chapter 35 – Articles 750-753 Date of entry into force: 01 January 2006</p> <p><u>Intellectual Property Law</u>³ Part Three Date of entry into force: 01 July 2006</p> <p><u>Decree No. 103/2006/ND-CP of 22 September 2006 of the Government</u>⁶ Date of entry into force: 21 October 2006</p> <p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵ Date of entry into force: 21 October 2006</p>	<p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of rights to plant varieties.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning rights to plant varieties.</p> <p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of plant varieties.</p> <p>This Chapter provides civil principles of industrial property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p> <p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of right, representative, and enforcement of rights to layout designs of integrated circuits.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning industrial property rights, including rights to layout-designs of integrated circuits.</p> <p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p>

⁹ See document IP/N/1/VNM/P/1.

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Decree No. 106/2006/ND-CP of 22 September 2006 the Government</u>⁷</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of industrial property.</p>
<p><u>Circular No. 01/2007/TT-BKHCN of 14 February 2007 of the Ministry of Science and Technology</u>⁸</p> <p>Date of entry into force: 6 May 2007</p>	<p>The Circular makes detailed provisions on the procedures for registration of industrial property rights, for guiding the implementation of Decree No. 103/2006/ND-CP of 22 September 2006 of the Government.</p>
<p>Protection of Undisclosed Information</p> <p><u>Civil Code</u>²</p> <p>Part Six – Chapter 35 – Articles 750-753</p> <p>Date of entry into force: 01 January 2006</p>	<p>This Chapter provides civil principles of industrial property rights (specifically: determining subject matters, owners, content of rights and providing for the transfer of rights).</p>
<p><u>Intellectual Property Law</u>³</p> <p>Part Three)</p> <p>Date of entry into force: 01 July 2006</p>	<p>The Law contains provisions on protectable subject matters, conditions for protection, establishment of rights, owners, scope and limitations of rights, transfer of rights, representative, and enforcement of rights to undisclosed information in the form of trade secrets.</p>
<p><u>Decree No. 103/2006/ND-CP of 22 September 2006 of the Government</u>⁶</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law concerning industrial property rights, including rights to trade secrets.</p>
<p><u>Decree No. 105/2006/ND-CP of 22 September 2006 the Government</u>⁵</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for implementing certain articles of the 2005 Intellectual Property Law regarding the protection of intellectual property rights and State management of intellectual property.</p>
<p><u>Decree No. 106/2006/ND-CP of 22 September 2006 the Government</u>⁷</p> <p>Date of entry into force: 21 October 2006</p>	<p>The Decree makes detailed provisions and guidelines for handling administrative violations in the field of industrial property.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<u>Decision No. 69/2006/QD-BNN of 13 September 2006 of the Minister of Agriculture and Rural Development</u> ² Date of entry into force: 11 October 2006	The Decision promulgates regulations on confidentiality protection of testing data submitted in the procedures for marketing approval of agro-chemical products.
<u>Decision No. 30/2006/QD-BYT of 30 September 2006 of the Minister of Health</u> ¹⁰ Date of entry into force: 11 November 2006	The Decision promulgates regulations on data protection applied to Drug Registration Dossiers (confidentiality protection of testing data submitted in the procedures for marketing approval of drugs).

¹⁰ See document IP/N/1/VNM/U/1.

ANNEX II
OTHER LAWS AND REGULATIONS

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p>Trade Marks (including Trade Descriptions)</p> <p>Geographical Indications</p> <p>Patents (Including Plant Variety Protection)</p> <p>Layout-designs (Topographies) of Integrated Circuits</p> <p>Protection of Undisclosed Information</p> <p>Civil Judicial Procedures and Remedies</p> <p><u>Civil Procedures Code</u></p> <p>Date of adoption: 15 June 2004</p> <p>Date of entry into force: 01 January 2005</p> <p>Special Requirements related to Border Measures</p> <p><u>Decree 154/2005/ND-CP of 15 December 2005 of the Government</u></p> <p>Date of entry into force: 1 January 2006</p>	<p>There are no other laws and regulations other than those set out under the same heading in Annex I.</p> <p>There are no other laws and regulations other than those set out under the same heading in Annex I.</p> <p>There are no other laws and regulations other than those set out under the same heading in Annex I.</p> <p>There are no other laws and regulations other than those set out under the same heading in Annex I.</p> <p>There are no other laws and regulations other than those set out under the same heading in Annex I.</p> <p>The Code provides for basic principles in civil proceedings, the orders and procedures for courts to settle civil cases, including cases related to disputes over intellectual property rights.</p> <p>The Decree makes detailed provisions on customs procedures and the inspection and supervision by customs offices, including the procedures for applying border control measures with regard to imports and exports related to intellectual property rights.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Criminal Procedures</p> <p><u>Criminal Code</u> Articles 41,131, 156, 157, 158, 162,168, 171</p> <p>Date of adoption: 2004</p> <p>Date of entry into force: 01 January 2005</p> <p><u>Criminal Procedures Code</u></p> <p>Date of adoption: 26 November 2003</p> <p>Date of entry into force: 1 July 2004</p>	<p>The Code includes provisions on copyright infringement (Article 131), production and trade in counterfeits (Articles 156-158), deceptive practices (Article 162), false advertising (Article 168), and infringement of industrial property rights (Article 171). Acts of wilful trademark counterfeiting and copyright piracy on a commercial scale are considered crimes under Articles 156-158 of the Criminal Code and Article 213 of the 2005 Intellectual Property Law. Article 41 provides for the confiscations of articles directly related to crime, i.e. including materials and implements used for production of the IPR infringing goods.</p> <p>The Code provides for basic principles in criminal proceedings, the orders and procedures for initiating criminal proceedings, investigation, prosecution, judgement and enforcement of criminal cases, including cases related to intellectual property.</p>