

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

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

VIET NAM

The present document reproduces the text¹ of Order No. 13/2009/L-CTN of 29 June 2009, on the promulgation of the Law Amending and Supplementing a Number of Articles of the Penal Code, as notified by Viet Nam under Article 63.2 of the Agreement (see document IP/N/1/VNM/4).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

VIET NAM

Le présent document contient le texte¹ de l'Ordonnance n° 13/2009/L-CTN du 29 juin 2009 portant promulgation de la Loi modifiant et complétant certains articles du Code pénal, notifié par le Viet Nam au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/VNM/4).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

VIET NAM

En el presente documento se reproduce el texto¹ de la Orden N° 13/2009/L-CTN, de 29 de junio de 2009, por la que se promulga la Ley en virtud de la cual se modifican y complementan varios artículos del Código Penal, notificada por Viet Nam en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/VNM/4).

¹ In English only./En anglais seulement./En inglés solamente.

THE STATE PRESIDENT

Order No. 13/2009/L-CTN of June 29, 2009, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

the Law Amending and Supplementing a Number of Articles of the Penal Code,

which was passed on June 19, 2009, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 5th session.

President of the Socialist Republic of Vietnam
NGUYEN MINH TRIET

Law Amending and Supplementing a Number of Articles of the Penal Code

(No. 37/2009/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Penal Code No. 15/1999/QH10.

Article 1. To amend, supplement and annul a number of articles of the Penal Code

....

11. To add the following Article 170a:

"**Article 170a.** Infringing upon copyright and related rights

1. Those who, without permission of holders of copyright or related rights, commit either of the following acts of infringing upon copyright or related rights currently protected in Vietnam on a commercial scale, shall be imposed a fine of between fifty million and five hundred million dong or subject to non-custodial reform for up to two years:

a/ Reproducing works, phonograms or video recordings;

b/ Distributing to the public copies of works, phonograms or video recordings.

2. Committing the crime in either of the following circumstances, offenders shall be imposed a fine of between four hundred million and one billion dong or sentenced to between six months and three years of imprisonment:

a/ In an organized manner;

b/ Committing the crime more than once.

3. Offenders may also be imposed a fine of between twenty million and two hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years."

12. To amend and supplement Article 171 as follows:

"**Article 171.** Infringing upon industrial property rights

1. Those who intentionally infringe upon industrial property rights to marks or geographical indications currently under protection in Vietnam on a commercial scale, shall be imposed a fine of between fifty million and five hundred million dong or subject to non-custodial reform for up to two years.

2. Committing the crime in either of the following circumstances, offenders shall be imposed a fine of between four hundred million and one billion dong or sentenced to between six months and three years of imprisonment:

a/ In an organized manner;

b/ Committing the crime more than once.

3. Offenders may also be imposed a fine of between twenty million and two hundred million dong, banned from holding certain posts or practicing certain professions or performing certain jobs for between one and five years."

...

Article 3.

1. This Law takes effect on January 1, 2010.

2. The Government, the Supreme People's Court and the Supreme People's Procuracy shall, within the ambit of their respective tasks and powers, guide the implementation of this Law.

This Law was passed on June 19, 2009, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 5th session.

Chairman of the National Assembly
NGUYEN PHU TRONG
