



LEGAL UPDATE

DECREE 22 ON INTELLECTUAL PROPERTY RIGHT

Decree 22/2018/ND-CP (**Decree 22**) provides details on several articles of the Intellectual Property Law. It replaces Decree 100/2006/ND-CP and Decree 85/2011/ND-CP and entered into force on 10 April 2018.

According to Mr Bui Nguyen Hung, the Director General of the Copyright Office of Vietnam *Decree 22 plays a role of supplementing, revising and clarifying the previous provisions, which will help the Intellectual Property Law be exercised smoothly.*¹

Hereafter you will find an overview of some of the key points.

1. Licensing Procedure

1.1. Licensing Timeline

Decree 22 provides additional information regarding the timeline for re-registration, change and abolishment of copyright registration certificate. This is done with a view to bring more advantages to organisations and individuals who apply for a copyright and related rights registration certificate.

The aforesaid certificate should be issued after 15 working days, it should take 12 working days to amend it and to re-register or abolish the certificate it would take 7 working days.

1.2. Licensing Authority

The Department of Culture, Sports and Tourism is no longer the key point of receiving application dossiers for the issuance of copyright and related rights registration certificates. Under Decree 22, applicants can submit the dossiers directly to the Copyright Office of Vietnam. This would help save time as well as money and human resources.

2. Collection and Distribution of Royalties

According to Decree 22, individuals and organisations who use copyrighted works, performances, phonograms, video

recordings, or broadcasts and who are not required to obtain permission from the copyright owners but are required to pay royalties, remunerations, or material benefits, must contact the right holders or the relevant designated collective representatives directly. In case of inability to contact the holder of rights, they need to publish a notice in the media.

3. Protection of Copyright and Related Rights

Pursuant to Decree 22, a copyright owner or related right owner can directly or through a designated collective representative or another entity protect his or her copyright or related rights. A dispute arising out of or in connection with copyright and related rights shall be settled in accordance with the Law on Civil Procedures or arbitration.

4. Invalidation of a Registered Copyright or Related Right

The Copyright Office can revoke a copyright or related right registration certificate that has been granted. It needs to do this within 15 working days after it has received:

- a judgment from the court or a decision by a competent authority that is related to infringements acts in the Intellectual Property Law; or
- a document from the holder of the copyright or related right proving he or she already has been granted the copyright or related right.

For more information, please contact:

Mark Oakley / Managing Partner
mark.oakley@acsvlegal.com

Hieu Pham / Special Counsel
hieu.pham@acsvlegal.com

© 2018 ACS Legal Vietnam Company Limited – All rights reserved
This legal update is not an advice and should not be treated as such.

¹ “Nhưng Diem moi dang chu y”, Hanoi moi.com.vn, 1 April 2018. Available at <http://hanoi moi.com.vn/Tin-tuc/Van-hoa/897540/nhung-diem-moi-dang-chu-y>