

IPR Reference Collection: 2004 Seminar Series
News Articles on Seminar 4: Copyright Protection in Vietnam
21 December 2004

[Please note: These articles have been translated into English by the U.S.-Vietnam Trade Council. Although we tried to translate the document exactly, some changes were made. Any major changes are noted in between brackets.]

SEMINAR ON COPYRIGHT PROTECTION IN VIETNAM

Thanh Nien Newspaper
Tuesday, 21 December 2004

A seminar on “Copyright Protection in Vietnam” will take place on December 21 in Ho Chi Minh City, which is organized by the U.S.-Vietnam Trade Council and the General Sciences Library. The presentations, focusing on intellectual property right issues, will cover the legal basis for copyright protection in Vietnam, international agreements, activities to protect copyrights for software and music, and the specific difficulties and obstacles in our country.

On the occasion of this seminar, the General Sciences Library will introduce the IPR Reference Collection, which includes materials about IPR in Vietnam.

SEMINAR ON COPYRIGHT PROTECTION IN VN

Vietnam Economic News
Tuesday, 21 December 2004

On December 21, 2004, the U.S. Vietnam Trade Council and the General Sciences Library will organize a seminar on copyright protection in Vietnam. This seminar is part of a series on Intellectual Property Right for Legal Experts in Vietnam.

In the seminar, Mr. Dang The Duc, Vice Director of Vision & Associates Law Firm will introduce the legal basis for copyright protection in Vietnam, international agreements, roles and responsibilities of two copyright protection associations, representing two industries that frequently experience violations of copyright: software and music. In addition, there will be a discussion about the current difficulties in protecting copyright in Vietnam.

COPYRIGHT PROTECTION IN VIETNAM:

Law Newspaper
22 December 2004

BESIDES THE LAW, IT IS MORALITY

“Using musical and artistic works without caring about copyright protection is a serious problem, because it is not only the issue about copyright violation but also about morality...”, said Mr. Dinh Trung Can, Vice Director of the Music Copyright Protection Center for the Southern Region of Vietnam, at a Seminar on Copyright Protection in Vietnam held on December 21st.

PANORAMIC VIEW

“Vietnam is among the top four countries that violate software copyright in Asia Pacific”- Mr. Tarun Sawney, Asia Pacific Regional Enforcement Manager for the Business Software Alliance, began his presentation with that shocking number. He emphasized that the rate of copyright violation reached 92% in 2003, which is the highest rate all over the world. He said this “number one” position has existed since... 1994. Based on this statistic, we can say that for 100 software programs that are used in Vietnam, 92 are being used illegally.

This illustrates a popular phenomenon in Vietnam, where companies spend money to purchase one software product and then download this same product onto a whole system of computers in their company. “We could not consider this issue simply as a CD ROM, because its consequences are more serious. Such actions affect company revenues, jobs, income, taxes, etc... It also obstructs the developing of new software. Perhaps, even more serious, this [act of copyright] violation will be the ‘germ’ for spreading other illegal activities, such as searching sexy films on the Internet. ... Moreover, this is the expression of legal disrespect” said Mr. Tarun Sawney.

Sharing opinions on this critical issue with the foreign visitor, Mr. Dinh Trung Can said that, in terms of awareness, using musical and artistic works without paying is a violation of copyright. “How can we accept that the singer who sings a song can earn 10 to 20 million VND, meanwhile the writer receives no payment himself? This is unfair! It is not only a legal problem but also a moral issue.” He said that building the Music Copyright Protection Center was meant to protect the rights of music composers. IPR protection issues as well as solving thoroughly social advantage relations are necessary. But the last purpose of “requiring the fair right” is to encourage the real talent in artistic creation and scientific inventions...

LEGAL BASIS FOR COPYRIGHT PROTECTION IN VIETNAM: IT IS NOT DEFICIENT, BUT...

About the legal basis for copyright protection in Vietnam, Mr. Dang The Duc said that [Vietnam] had nearly enough of a legal system in place, including domestic laws and international agreements.

However, [he said] enforcement is separate problem. The legal framework for copyright protection is written into the Civil Code of 1995; the Criminal Code of 1999; government decrees guiding the administrative penalties in Culture and Information; the Ordinance on dealing with administrative offences 2002; other circulars and guiding documents of relevant ministries, agencies, etc... According to these legal documents, works that are eligible for copyright protection in Vietnam include literary, artistic and scientific works. Works that may be protected must also be original works. A copyright is established when the work is created, it does not depend upon registration and/or publishing.

In regards to Copyright Law in Vietnam, lawyer Dang The Duc said that the existing legal framework is too complicated. Meanwhile, [Vietnam] lacks regulations and specific guiding documents; which leads to difficulties in application and enforcement. On the other hand, said Mr Duc, sanctions are not strong enough and not effective, as they have not been able to stop copyright violations from occurring. [He noted that] while the court system can play an active role in helping to resolve copyright disputes, they are still weak in their ability to solve such disputes.