

The U.S.-Vietnam Trade Council and the General Sciences Library organized the final installment of our 2004 IPR Seminar Series on Tuesday morning, December 21<sup>st</sup>, 2004, for more than 130 participants, primarily lawyers, government officials, company representatives and library staff. (*This seminar was supported, in part, by the Business Software Alliance.*) Mdm. Nguyen Thi Bac (Director of the GSL) offered brief opening remarks and introductions and Dana Doan (USVTC) introduced the three guest speakers and facilitated the panel discussion.

During the first hour, Mr. Dang The Duc, Deputy Director of Vision & Associates Law Firm, reviewed the existing legal framework for copyright protection in Vietnam, including international commitments. Mr. Duc explained key terms and definitions, the rights of copyright owners, those works excluded from protection and categories of infringement under Vietnamese and international laws on IPR. The latter part of his presentation focused on Vietnam's international IPR commitments, briefly addressing Chapter II of the BTA, the Berne Convention and the TRIPS agreement. He also discussed some of the challenges to protecting Copyright in Vietnam.

During the coffee break, all three guest speakers were interviewed by the *Business Hotline Program*, which is run through the Ho Chi Minh City University of Economics. The special program on "Copyright Protection" will be broadcast sometime in early January. They were also interviewed by newspaper journalists and news stories appeared the same morning and the following day in the Saigon Economic Times Daily, Phap Luat (Law Newspaper), Thanh Nien (Youth Newspaper) and the Vietnam Economic News.

After the coffee break, participants learned about the mission and objectives of two copyright associations: the Business Software Alliance and the Vietnam Center for the Protection of Music Copyright. Mr. Tarun Sawney, the Director of Anti-Piracy for the Business Software Alliance based out of Singapore, gave a dynamic and compelling presentation, capturing the full attention of all participants. He explained the importance of copyright protection and offered a progress report on copyright protection in the region and Vietnam. Mr. Sawney talked about the role of the BSA and some of the primary concerns and issues regarding copyright protection in developing countries. In raising awareness about software use and sharing, he helped participants distinguish between legal and illegal uses of software. While indicating a high use of pirated software, Mr. Sawney tried to alleviate fears and resistance to copyright protection by encouraging companies, government offices and individuals to seek information and convey concerns directly to software providers.

The final speaker at the morning seminar was Mr. Dinh Trung Can, Deputy Director of the Vietnam Center for the Protection of Music Copyright and Director of the Southern Branch Office. Mr. Can discussed the role of the Centre and some of the current

challenges to protecting music copyright in Vietnam. Since its establishment in 2002, the Centre has been responsible for collecting royalties for musicians from television and radio stations and Mr. Can talked about the process through which royalties are collected. He also mentioned plans to extend their activities to further protect and support musicians, while noting some of the obstacles they are facing in this effort.

The last half hour was allocated for a panel discussion with the three guest speakers. Participants asked for clarification on legal practices regarding software sharing for personal versus commercial use. In addition, there were questions about the use of information in the public domain (e.g., downloading reports on the Internet, converting data into Braille, etc.) and strategies for identifying and reporting possible infringements.

A selection of books on copyright protection, borrowed from the *IPR Reference Collection*, was on display at the seminar.

### Seminar Evaluation

Participants were asked to complete a one-page evaluation of the morning seminar. Following is a brief report on the analysis of our seminar evaluation forms:

- Average ranking was 4.1 on a 5-point scale and 100% of our respondents said they would attend future seminars.
- 51% of those surveyed said they have visited the USVTC IPR Reference Collection (this is a significant increase in library users since the previous evaluation, which was less than 5%).
- Respondents offered high praise for the breadth of information covered, Mr. Sawney's presentation in particular, and the seminar handouts.
- Areas for improvement include more time for discussion, more copies of seminar handouts and more case study examples.

### Brief Background on Guest Speakers

**Mr. Dang The Duc** is a Partner of Vision & Associates and Director of the HCMC office. Mr. Duc has been practicing law since 1994, and has been involved in many intellectual property cases, advising on trademarks, patents, designs & copyrights, licensing, technology transfer, IPR enforcement and anti-counterfeiting for local and international clients. He has represented a number of clients before government agencies, courts and arbitration centers to resolve IPR disputes and address infringements.

**Mr. Tarun Sawney** works with the Business Software Alliance as the Director of Anti Piracy for Asia, based in Singapore. His office is actively engaged in the fight against software piracy in the Asia Pacific Region. Prior to joining BSA, Mr. Sawney worked as

a Policeman in London and Hong Kong where he served in a variety of criminal investigation units and conducted training for newly recruited Inspectors.

**Mr. Dinh Trung Can** is Deputy Director of the Vietnam Center for Protection of Music Copyright and Director of their Southern Branch Office. The Centre is a non-governmental, not-for-profit organization, established in February 2002, under the control of the Association of Vietnamese Musicians. Mr. Can is a member of the Association of Vietnamese Musicians, the Association of HCMC Musicians, and the World Culture Open (WCO) Organizing Committee.

### Contributions

In addition to our three guest speakers, USVTC and the GSL would also like to thank our counterparts, donors and library supporters:

- HCMC People's Committee, including Vice Chairman - Dr. Nguyen Thien Nhan, and Deputy Director of the Department of Services and Information - Mr. Nguyen Tuan Viet.
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APL Vietnam  
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International Intellectual Property Alliance (IIPA)  
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The Consulate General of the U.S.A., Vietnam  
The Embassy of the United States of America, Vietnam  
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