

Hanoi, 22 February, 2007

DIRECTIVE

On the strengthening protection of copyright to computer program

Over past years, protection of copyright and related rights has made a significant advancement. Many legal instruments have been enacted by the State on protection of copyright and related rights. Vietnamese legal system has been developed and completed on the practice of copyright management and enforcement, and complied with the international standards, met demands of effective copyright protection and international integration.

Regarding intellectual property right protection, Viet Nam already acceded to a number of multilateral and bilateral treaties on copyright and related rights. Accordingly, Viet Nam is obliged to protect copyright and related rights, including protection of copyright to computer programs of individuals and organizations of member states of these treaties in Viet Nam and vice versa.

In recent years, despite the fact that many computer program companies have taken measures to self-protect their rights and activities of inspection, detection and handling of violations have been frequently conducted but the results have not been satisfactory. The use of pirated computer programs has been rampant, violating legitimate rights and interests of organizations and individuals both in Viet Nam and abroad, affecting creativity and economic, cultural and social development of Viet Nam, as well as its integration process into the world economy.

In order to effectively enforce laws and regulations of Viet Nam and international commitments on copyright protection to computer programs, the Prime Minister requires:

1. Ministers, Heads of Ministry-level Agencies, Heads of Government Agencies and Chairmen of People Committees of provinces and centrally-administered cities shall instruct and take specific measures to protect copyright of computer programs; reserve an annual budget for purchasing copyright of computer programs for their agencies and localities; settle violations of unlicensed computer programs used in agencies and localities under their competence.

Ministers, Heads of Ministry-level Agencies, Heads of Government Agencies and Chairmen of People Committees of provinces and centrally-

administered cities shall be responsible for copyright enforcement of computer programs at agencies and localities under their competence and in accordance with laws and regulations.

2. Ministry of Finance, Ministry of Planning and Investment shall allocate the state budget and guide other ministries, localities to make their own budgets for purchasing licensed computer programs in compliance with the Law on State Budget.

Ministry of Finance shall instruct the General Department of Viet Nam Customs to take stricter actions to prevent the import and export of pirated computer programs in accordance with laws and regulations.

3. Ministry of Culture and Information shall be responsible for:

a) Drafting and submitting to competent authorities to promulgate or promulgating within its competence legal instruments to complete the legal framework on protection copyright of computer programs;

b) Guiding and supervising enforcement of Vietnamese laws and regulations, and international commitments on copyright protection of computer programs; providing technical assistance on copyright transactions related to computer programs; providing information concerning pirated computer programs;

c) Instructing publication of books and specialized magazines on copyright and related rights including computer programs for communicating, disseminating, training and enhancing public awareness.

4. Ministry of Trade shall be responsible for directing inspection, supervision and handling of individuals and/or organizations circulating pirated goods which violate copyright to computer programs in the market in accordance with Vietnamese laws and international commitments.

5. Ministry of Public Security shall be responsible for fighting against infringements of copyright of computer programs; preventing infringements in manufacturing, trading, exporting, importing, storing, circulating goods and services related to copyright of computer program.

6. Ministry of Defense shall direct border guards to patrol, control and handle infringing acts of storing, transporting goods violating copyright to computer programs in accordance with laws.

7. Ministry of Foreign Affairs shall direct and guide Diplomatic Agencies of Viet Nam overseas to collect information on copyright protection of computer programs for supporting and advising Vietnamese organizations and individuals to make transactions on copyright to computer program; supporting them to protect their legitimate rights and interests of computer programs copyright to be exploited and used overseas.

8. Ministry of Justice shall take main responsibility and cooperate with other related ministries/authorities to review and propose amendments and

supplementations of legal instrument on copyright protection of computer program to submit to competent authorities for promulgation in order to ensure effective and timely protection of legitimate rights and interests of organizations and individuals.

9. Ministry of Post and Telecommunications shall clarify rights and responsibilities of organizations and individuals involving in application and development of information technologies in conformity with intellectual property laws; cooperate with Ministry of Culture and Information to protect computer program copyright.

10. Central and local radio, television stations and other press agencies shall encourage dissemination and education of laws and regulation; set up columns introducing about laws, organize contests on copyright protection of computer program.

Ministry of Culture and Information shall be responsible for supervising and following implementation of this Directive, making annual reports to the Prime Minister on progress and problems in the implementing process, and making appropriate proposals for handling measures.

PRIME MINISTER

(signed)

Nguyen Tan Dung