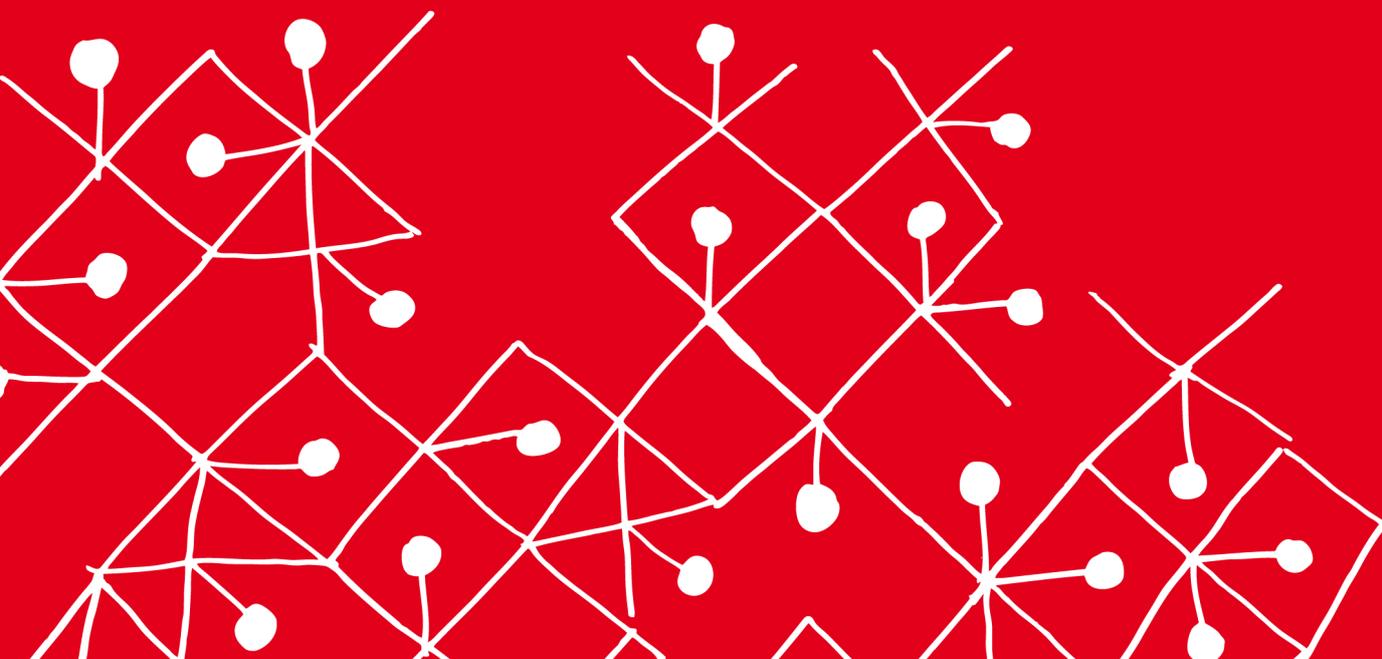


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Intellectual Property Rights

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Copyrights

What are Copyrights?

Copyright is a legal term used to describe exclusive rights granted to authors, artists and other creators for their creations. These rights, generally, include: copying; publishing; translating; adapting and altering; distributing; etc., and are granted automatically following the creation of the work. The kinds of works that can be protected by copyright laws in Vietnam are defined as 'literary, artistic and scientific works', which principally include the below:

- Literary works, scientific works, textbooks, teaching courses
- Lectures, speeches, and press works
- Musical, stage, photographic and cinematographic works
- Plastic art works and applied art works
- Sketches, plans, maps and architectural works
- Computer programmes and data collections

Copyrights in VIETNAM: What you need to know

Vietnam is a member of the Berne Convention and thus any copyrights conferred in other state parties to the convention, including all EU member states, are automatically granted in Vietnam without the need for official registration (for more information, please visit www.wipo.int/treaties/en/ip/berne). However, it is still advisable to register copyrights in Vietnam because this will make court proceedings easier, if you ever need to enforce these rights before a Vietnamese court. Copyright certificates shall be presented in certain enforcement procedures (see section on 'Enforcement').

Having been granted copyright to a work generally means that the copyright owner holds both the moral and economic rights to the work, unless 'the author has been assigned the task of creating the work by an organisation to which the author belongs, or the author enters into a contract with an organisation or individual pursuant to which the author creates the work'. Owning the moral rights means SMEs can attach their name to the work, publish or authorise somebody else to publish the work, and prevent others from editing the work. Owning the economic rights means that SMEs have the exclusive right to edit, reproduce and distribute the work.

The copyright owners will have the right to assign their exclusive rights, with the exception of the moral rights, and to transfer the right to publish the work. In this case a contract for assignment of copyrights must be made in writing, and include grounds for the assignment, price and method for payment, rights and obligations of the parties, and liability for contractual breach.

How LONG does legal protection last?

A copyright owner's moral rights (except for the moral right to publish or authorise others to publish the work) are protected for an indefinite term. In line with the minimum requirements set out in the Berne Convention, the exclusive right to publish the work and authorise somebody else to do so, and the economic rights, last in Vietnam for the lifetime of the author plus 50 years, with the exception of cinematographic works, photographs, plays, applied art works, and anonymous works, which are protected for fifty years from the date of first publication, with no possibilities for extension.

HOW do I register?

Registration of copyrights can be done with the National Copyright Office of Vietnam (COV), or the Department of Culture in the locality where the SME's office is located, should the SME have established a legal presence in Vietnam. Foreign copyright owners, however, can authorise the Copyright Service Consulting Organisation to file the registration on their behalf. The registration will be valid throughout the term of copyright protection and cannot be renewed.

The application must comprise the following:

1. Declaration for registration of copyright signed by the copyright owner (including information of the applicant; summarised content of the work, performance etc.; the name of the author and title of work used to make the derivative work, in case of registration of derivative works; date, place and form of publication; and undertaking accepting liability for the information set out in the application);
2. Two copies of the work (for works such as paintings, a 3D photo is sufficient);
3. Receipt of paid application fee;
4. Power of attorney, if the applicant is an authorised person and not the copyright owner;
5. Document proving the right to file the application, if the right was acquired through inheritance, succession or assignment;
6. Written consent of co-authors, in cases of joint authorship and/or ownership.

The COV is required by law to notify you in writing whether or not the copyright registration has been granted within fifteen (15) working days from the date of receipt of a valid application. Copyright registrations should be filed at the below address:

National Copyright Office of Vietnam (COV)

51 Ngo Quyen Street, Hoan Kiem District, Hanoi

+84 (0) 4 38236908

National Copyright Office's Representative Office in Ho Chi Minh City

170 Nguyen Dinh Chieu Street, District 3, Ho Chi Minh City

+84 (0) 8 39308086

National Copyright Office's Representative Office in Da Nang

1 An Nhon 7 Street, An Hai Bac Ward, Son Tra District, Da Nang

+84 (0) 511 3606967

WHO can register?

Authors, copyright holders and related rights holders may directly file for copyright registration, or may authorise other organisations or individuals to file for them. 'Copyright holders' are defined by Vietnamese law as organisations or individuals who 'hold one, several or all of the economic rights' in the work. 'Authors' are those who 'originally create the work' (moral right owners). 'Related rights holders' include organisations and individuals who 'use their time, make a financial investment in, or use their materials and technical facilities' to give a performance or to produce an audio and visual fixation.

Which LANGUAGES can I use?

The declaration for registration of copyright (point 1 in the list of required documents under the 'How do I register' section above) must be made in Vietnamese. Vietnamese translations are also required for the power of attorney, document proving acquired right, and consent letters from co-authors and co-owners (points 4-6 above).

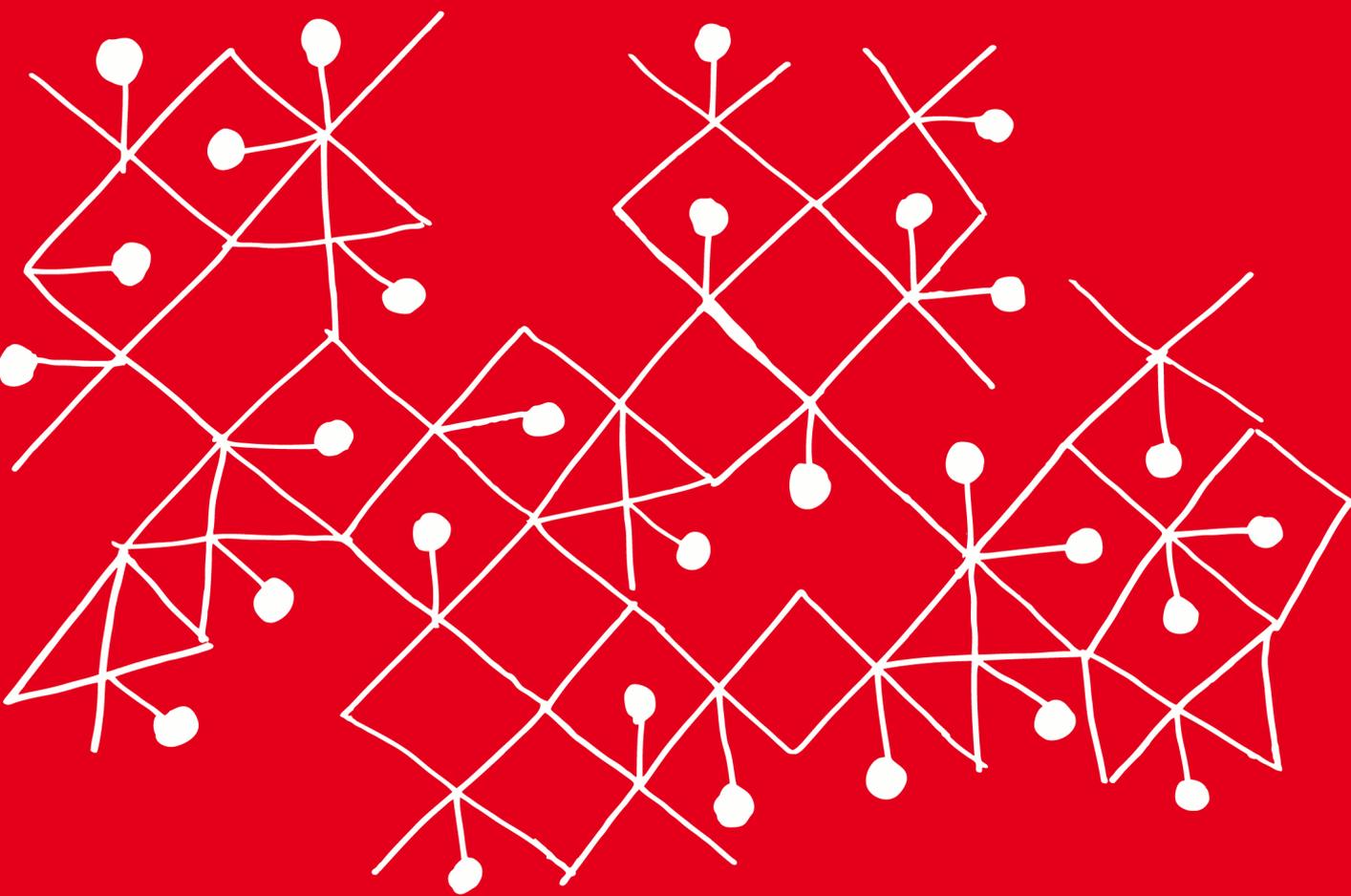
How much does it COST?

The typical cost of copyright registration in Vietnam is from VND 100,000 to VND 600,000 (approximately EUR 4 to EUR 24) per certificate exclusive of legal fees, depending on the type of copyright applied for. More details can be found on the COV website

Source: South-East Asia IPR Help Desk

Useful Documents:

- [Intellectual Property Documentation](#)
- [Vietnam Treaties](#)
- [South-East Asia IPR SME Helpdesk Vietnam Factsheet](#)



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