

LAW

AMENDING, SUPPLEMENTING A NUMBER OF ARTICLES OF PUBLISHING LAW

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended, supplemented a number of Articles by Resolution 51/2001/QH10; The National Assembly promulgates the law amending, supplementing a number of articles of publishing law No.30/2004/QH11.

Article 1. Amending, supplementing a number of Articles of the Publishing Law

1. Article 18 is amended, supplemented as follows:

“Article 18. Registration of publishing plans

1. Before publication, the publishers must register publication plans with the Ministry of Information and Communications and it must be confirmed in writing by such Ministry. Within ten days from the date of receipt of registration of publication plans of publishers, the Ministry of Information and Communications confirms in writing on the registration of publication plans.

The Ministry of Information and Communications stipulates Form of registration of publication plans.

2. The publication plans of publishers must comply with principles, objects and functions, tasks of publishers and to be valid for implementation to the end of 31 December of the plan year.”

2. Article 26 is amended, supplemented as follows:

“Article 26. Information appearing in publications

1. On books and documents under form of books (hereinafter collectively called as books), the following information must be recorded:

a) Title, author’s name, editor's name (if any), translator’s name service (for translations) or name of transcriber (if a book transcribed from the ancient Vietnamese script), names of corrector (if any); name of publishers or agencies or organizations allowed to publish, names of organizations, individuals jointing to publish (if any); year of publication, order number of files, number of times of re-edition; for translated books, name of the original book, author’s name, name of foreign publisher, the year of publication abroad must be written; if books are translated from a language different from the original language, the name of the language and name of translator must be recorded clearly;

b) Name of the person in charge of publishing, names of the content editor; book framework,

registration number of publishing plan, number of publishing decisions of the director of publisher or of publishing permit issued by the state management agency on the publishing activities; names of person who displays, illustrates, name of technical editor, name of printing corrector, the quantity of printed copies, name of the printer, time of deposit;

c) For business books, retail sale price must be recorded on them; for the book which is ordered by the State, it must be recorded as “ordered by the State”; for non-business book, it must be recorded as “not for sale”.

2. In the case of publications which are not books, it must be recorded the following information:

a) The name of the publications; the name of the publishers or of the agencies or organizations with the publishing permit; name of organizations, individuals jointing in publishing (if any);

b) Number of registration of publication plans, number of publishing decisions of the director of publisher or of publishing permit issued by the state management agency on the publishing activities; the quantity of printed copies, name of the printer;

c) For business publications, retail sale price must be recorded on them; for the publications which is ordered by the State, it must be recorded as “ordered by the State”, for non-business publications; it must be recorded as “not for sale”.

3. The Government stipulates the special cases of not recording author’s name, name of translator, name of transcriber, names of organizations and individuals associating to publish on the front cover and the location records information specified in point b clause 1 of this Article.

4. Directors of publishers decide the location to record information in the publications, except for the cases provided in clause 3 of this Article.”

3. Article 30 is amended, supplemented as follows:

“Article 30. Dealing with violations in publishing sector

1. Organizations and individuals committing violations of the provisions in Article 3, 5, 10, 18, 19, 20, 21, 22, 23, 25, 26, 27 and 29 of this Law, depending on the nature and seriousness of the violations that a warning or a fine shall be issued and may be subject to measures to suspend the publishing of violating publications, suspension of publication activities, stripping of the right to use license for publishing activities; in case causing damages to other organizations or individuals, the public apology and correction in the newspaper, compensation must be made as prescribed by law.

Violating publications shall be suspended from issue and depending on the nature and seriousness that violations must be corrected, so the publications could be issued or revoked, confiscated or banned, destroyed.

2. Organizations and individuals having acts of infringement of intellectual property in the sector

of publishing shall be handled in accordance with the law on intellectual property.

3. Persons who commit violations that such acts are sufficient elements of a crime shall be prosecuted for penal liability according to penal law.

4. The state management agencies on publishing activities must take responsibility for its decision to handle.”

4. Article 36 is amended, supplemented as follows:

“Article 36. Dealing with violations in sector of printing publication

1. Organizations and individuals having the following acts, depending on the nature and seriousness of the violation, a warning or a fine shall be issued, suspension of publications being printed shall be made and may be subject to measures to temporarily suspend publications printing activities, stripping of the right to use permit for publications printing activities, confiscation of material evidences and violation means; in case of causing damages, it must pay compensation according to law:

a) Printing publications without permit for the activity of printing publications;

b) Printing publications without a publishing decision or permit of publishing; printing publications not complying with publishing decision or permit of publishing;

c) Printing publications for overseas parties without outsourcing printing permit;

d) Printing publications which had decisions of printing suspension, retrieval, confiscation, prohibition from circulation or destruction;

đ) Printing publications which is different from the proof signed for approval by the publisher or agency or organization authorized to publish the publications; Printing publications without printing contract; or exceeding the number of copies stipulated in the contract.

2. Organizations and individuals committing acts of infringement of intellectual property in the section of printing publications shall be handled in accordance with the law on intellectual property.

3. Persons who commit violations that such acts are sufficient elements of a crime shall be prosecuted for penal liability according to penal law.”

5. Article 38 is amended, supplemented as follows:

“Article 38. Issuance of permit to conduct business of importing publications

1. Domestic organizations, individuals and foreign individuals, organizations are imported publications into Vietnam under the provisions of the law of Vietnam and in accordance with the

international agreements which the Socialist Republic of Vietnam is members.

2. Conditions to grant permit for publications importing business activities include:

a) Having certificate of business registration or certification of investment;

b) Heads of business units must permanently reside in Vietnam, having diplomas and practice certificates of publications issued by the competent agencies of Vietnam;

c) In case of conducting business of book import, besides the conditions provided in point a and point b clause 2 of this Article, must have staffs and freelancers capable of appraising the contents of the book.

3. Dossier requesting for license includes:

a) Application for conducting business of the activity of importing publications;

b) List of staffs, freelancers signed labor contracts; regular copies of written certification, diploma, certificate provided in clause 2 of this Article.

4. Within 30 days, from the date of receipt of regular dossier, the Ministry of Information and Communications must grant permit; in case of refusal, the Ministry must issue written reply and state clearly the reason.

5. The Government stipulates specifically the conditions to grant permit of publications importing business provided in point b and point c clause 2 and dossier requesting for granting permit provided in clause 3 of this Article.”

6. Article 39 is amended, supplemented as follows:

“Article 39. Business of importing publications

1. The importation of publications for business shall be implemented through bodies having permit of publications importing business operation.

2. Before the importation, the bodies that import publications for business must register list of importing publications with the Ministry of Information and Communications and must be certified in writing by such Ministry. Within 15 days, from the date of receipt of registering the list of importing publications of the importer, the Ministry of Information and Communications certifies in writing the registration of the list of importing publications.

The Ministry of Information and Communications specifies the Form of registering the list of importing publications.

3. Importing publications must comply with provision of Law on Publishing and other provisions of relative law. In case of detecting publications having signs of Vietnam law violations, the

Ministry of Information and Communications has requirement for appraisal of such publications' contents before the certification of import registration for the publications.

4. Heads of publications importing bodies for business must organize to appraise contents of importing publication before issuing and take responsibility before the law on contents of importing publications.”

7. Article 43 is amended, supplemented as follows:

“Article 43. Co-operation with foreign countries on distribution of publications

1. Publications issuing bodies having legal entities status of Vietnam, of foreign countries are entitled to cooperate for business or joint venture to issue publications in Vietnam according to provisions of Vietnam law and in compliance with international agreements which the Socialist Republic of Vietnam is a member.

2. Foreign organizations are permitted to establish representative offices in Vietnam to introduce its organization and products; expedite transactions on issuing publications according to provisions of Vietnam law and must be granted permit by the Ministry of Information and Communications.

3. Dossier requesting for permit includes:

a) Application for permit to operate must record purposes, duties and scope of activities, head offices, name of the heads of representative offices and commitment to comply with the regulations of Vietnam Law;

b) Documents certifying the legal entities status of the organization requesting for establishing representative offices issued by the agency or competent person of the country or territory where the organization locates its headquartered.

4. Within thirty days from the date of receiving valid dossiers, the Ministry of Information and Communications must issue permit in case of refusal, the Ministry must reply in writing and state clearly the reasons.”

8. Article 44 is amended, supplemented as follows:

“Article 44. Dealing with violations in sector of issuing publications

1. Organizations and individuals having the following acts, depending on the nature and seriousness of the violation, a warning or a fine shall be issued, suspension of issue, termination of issuing publications shall be made and may be subject to measures of withdrawal, confiscation, banning from circulation, destruction of violating publications, suspension of publications importing activities, stripping of the right to use permit for activities of publications import; in case of causing damages, it must pay compensation according to law:

- a) Issuing publications that the publishing, printing, import is illegal;
 - b) Issuing publications without lawful invoice, vouchers;
 - c) Issuing publications had decision to suspend printing, circulation ban, withdrawal, confiscation and destruction;
 - d) Selling publications which are of not for sale;
 - đ) Consumption, unauthorized dissemination of publications printing for foreign countries on Vietnam territory;
 - e) Importing publications without registration of import list or improper performance with the registered list;
 - g) Importing publications with contents violating Article 3 and Article 10 of Publishing law.
2. Organizations and individuals committing acts of infringement of intellectual property in the section of printing publications shall be handled in accordance with the law on intellectual property.
3. Persons who commit violations that such acts are sufficient elements of a crime shall be prosecuted for penal liability according to penal law.
4. Where the state agency decides to withdraw, confiscate, ban from circulation or destroy violating publications, the publisher or the publications importing bodies having such publications have to pay damages to the issuers; in case the decision to withdraw, confiscate, ban from circulation and destroy false publications causing damages, the state agencies that had wrong decision have to compensate in accordance with the law to publishers or issuers, importing bodies.”

Article 2. Replacing the phrase "Ministry of Culture - Information" with the phrase "the Ministry of Information and Communications" in clause 2 Article 7, clause 3 Article 13, clause 1 and clause 2 Article 16, clause 2 Article 17, point a clause 1 Article 22, clause 2 and clause 3 Article 23, clause 1 and clause 3 Article 24, point a clause 1 Article 27, Article 28, point a clause 3 Article 31, point c and point d clause 1 Article 32, clause 1 and clause 2 Article 34 , clause 3 Article 37 and point a clause 1 Article 42 of Publishing Law No.30/2004/QH11.

Article 3. This Law takes effect on January 01, 2009.

This Law is passed by the Legislature XII National Assembly of the Socialist Republic of Vietnam at its 3rd Session on June 03, 2008.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**

(signed)

Nguyen Phu Trong