

LAW
ON PUBLICATION

(No. 30/2004/QH11 of December 3, 2004)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the 10th National Assembly, the 10th session;

This Law provides for publication.

Chapter I
GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for publication organization and activities; rights and obligations of agencies, organizations and individuals engaged in publication activities.

Publication activities cover the publishing, printing and distribution of publications.

Article 2. Objects of application

This Law applies to State agencies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed force units and Vietnamese citizens (hereinafter referred collectively to as agencies, organizations and individuals); international organizations, foreign organizations operating in the Vietnamese territory and foreign individuals residing in Vietnam. In cases where it is otherwise provided for by international agreements which the Socialist Republic of Vietnam has signed or acceded to, the provisions of such international agreements shall apply.

Article 3. Position and purposes of publication activities

Publication activities fall in the domain of culture and ideology and, through the production and dissemination of publications to many people, aim to introduce knowledge in various domains of the social life, values of the national culture and quintessence of the mankind's culture, satisfy the people's spiritual life's needs, raise their intellectual level, build the fine ethics and lifestyle of Vietnamese people, expand cultural exchanges with foreign countries, promote socio-economic development, struggle against all ideas and acts detrimental to the national interests, and contribute to the cause of building and safeguarding the socialist fatherland of Vietnam.

Article 4. Publications

Publications mean works or documents on politics, economics, culture, social affairs, education and training, sciences and technologies, literature and arts, published in Vietnamese language, languages of Vietnamese ethnic minorities or foreign languages, and also expressed in images or sounds on different materials or technical means.

Documents prescribed in this Law include documents for propagation, mobilization, instructions on study and implementation of the Party's directives and resolutions and the State's laws; guidance on production techniques; natural calamity and epidemic prevention and combat; seminar proceedings.

Article 5. Guaranty of the right to disseminate works and protection of author's right

1. The State guarantees the right to disseminate works in form of publications through publishing houses and protects the author's rights.
2. The State does not censor works before their publication.
3. No agency, organization or individual is allowed to take advantage of the right to disseminate works to harm the State's interests, the legitimate rights and interests of other agencies, organizations or individuals.

Article 6. Policies to develop the publication cause

1. The State adopts policies to encourage and create conditions for developing the publication branch into a comprehensively developed economic-technical branch.
2. The State adopts policies to place orders for publications on theory and politics; publications in service of juveniles, children, ethnic minority people and the blind; publications which need to be widely disseminated in service of pivotal socio-political tasks and external information; to provide freight subsidies for publications transported to areas with difficult socio-economic conditions and areas with exceptionally difficult socio-economic conditions, publications in service of external information tasks and publications in service of people in mountainous areas and islands.
3. The State purchases manuscripts of valuable works for which the proper time for publishing has not yet come or which have a limited number of users; provides supports for purchase of copyright over valuable domestic or foreign works in service of economic, cultural or social development.

The Government shall specify the implementation of the policies prescribed in this Article.

Article 7. State management agencies in charge of publication activities

1. The Government performs the unified State management over publication activities nationwide.
2. The Culture and Information Ministry is responsible for assisting the Government in performing the unified State management over publication activities.

The ministries and ministerial-level agencies shall coordinate with the Culture and Information Ministry in performing the State management over publication activities according to their respective competence.

3. The People's Committees of the provinces and centrally-run cities (hereinafter referred to as the provincial-level People's Committees) shall perform the State management over publication activities in their respective localities according to the decentralization by the Government.

Article 8. Contents of the State management over publication activities

1. Formulating the strategy, planning and plans on development of the publication cause; issuing

according to vested competence legal documents and policies on publication activities.

2. Managing the work of scientific research and technological application in publication activities; providing professional training and fostering on publication activities.
3. Managing international cooperation in publication activities.
4. Organizing the reading of deposited publications.
5. Conducting inspection, examination and settlement of complaints or denunciations, and handling law violations in publication activities.
6. Performing the work of commendation and disciplining in publication activities; selecting and awarding publications of high value.

Article 9. Complaints and denunciations in publication activities

1. Agencies, organizations and individuals have the right to complain about illegal decisions or acts; individuals have the right to denounce illegal acts in publication activities. Agencies, organizations and individuals shall be held responsible before law for their complaints or denunciations.
2. Agencies, organizations and individuals have the right to request publishing houses, agencies and organizations with publication permits, or authors to publish rectifications in the press or pay compensation for damage, or to initiate civil lawsuits or request competent State agencies to initiate criminal lawsuits when publications have untruthful contents, or have contents slandering or hurting their honor or dignity or harming their legitimate rights and interests.

Article 10. Prohibited acts in publication activities

1. Propagating against the State of the Socialist Republic of Vietnam; disrupting the great national unity bloc.
2. Propagating and fomenting aggressive wars, sowing hatred among nations and peoples; instigating violence; spreading reactionary ideologies, obscene and depraved lifestyles, criminal acts, social evils, superstition; undermining fine traditions and customs.
3. Disclosing secrets of the Party and)or the State; military, security, economic and diplomatic secrets; personal secrets or other secrets prescribed by law.
4. Distorting the historical truth; negating revolutionary achievements; offending the nation, great personalities or national heroes; slandering or hurting the prestige of agencies and)or organizations, honor and dignity of individuals.

Chapter II

PUBLICATION DOMAIN

Article 11. Subjects permitted to establish publishing houses

State agencies, political organizations, socio-political organizations and other organizations prescribed by the Government are permitted to establish publishing houses.

Publishing houses are organized and operate after the model of enterprises doing conditional business or non-business units with revenues.

Article 12. Conditions for establishing publishing houses

The establishment of a publishing house must fully meet the following conditions:

1. Having guidelines, purposes and targeted service subjects suitable to its managing agency's functions and tasks;
2. Having leaders fully meeting the criteria prescribed in Clause 1, Article 14 and a contingent of editors fully meeting the criteria prescribed in Clause 1, Article 15 of this Law;
3. Among its leading posts, there must be at least one person who has worked in the publication domain for three years or more;
4. Having working office, capital and other necessary conditions as prescribed by law;
5. Being in line with the planning on development of national publication cause, and planning of each branch or locality.

Article 13. Tasks and powers of publishing house-managing agencies

Publishing house-managing agencies are agencies or organizations applying in their names for permits to establish such publishing houses, and having the following tasks and powers:

1. To determine and direct the realization of operation guidelines, purposes and orientations of their publishing houses; to consider and approve the publishing houses' publication plans;
2. To provide initial capital to, and ensure other necessary conditions for, the operation of their publishing houses;
3. To appoint, dismiss or remove from office directors or editors-in-chief of their publishing houses after obtaining written consents of the Culture and Information Ministry;
4. To inspect or examine operations of their publishing houses according to their competence;
5. To be responsible for law violations committed by their publishing houses in publication activities according to their tasks and powers.

Article 14. Criteria, tasks and powers of directors and editors-in-chief of publishing houses

1. Directors and editors-in-chief of publishing houses are Vietnamese citizens; have registrations of permanent residence in Vietnam; possess university degrees, managerial and professional skills in publication sector, and have good political and ethical qualities.
2. Directors of publishing houses have the following tasks and powers:
 - a) To ensure the strict observance of their publishing houses' guidelines and purposes;
 - b) To build up their publishing houses' organization and personnel apparatuses;
 - c) To work out, and organize the implementation of, publication plans;
 - d) To sign publication decision for each manuscript on the basis of already registered publication plans;
 - e) To sign for approval manuscripts before printing and sign for approval publications before distribution;
 - f) To set and adjust retail prices of publications, including associated publications, according to law provisions;

- g) To manage assets and material foundations of publishing houses;
- h) To be answerable to their managing agencies and law for publications and all operations of their publishing houses.

3. Editors-in-chief of publishing houses have the following tasks and powers:

- a) To assist the publishing houses' directors in working out publication plans;
- b) To organize manuscripts;
- c) To organize the editing of manuscripts;
- d) To read and approve manuscripts before submitting them to publishing houses' directors and take joint responsibility before law for the contents of publications of the publishing houses.

Article 15. Criteria, tasks and powers of editors of publishing houses

1. Editors of publishing houses are Vietnamese citizens; have registrations of permanent residence in Vietnam; possess university degrees and professional skills in publication sector, and have good political and ethical qualities.

2. Editors of publishing houses have the following tasks and powers:

- a) To have their names inscribed in publications according to the provisions of Article 26 of this Law;
- b) To refuse to edit works with contents showing signs of violating the provisions of Article 10 of this Law, and to report such to their publishing houses' directors and editors-in-chief;
- c) To be answerable to their publishing houses' directors and law for the contents of publications they edit.

Article 16. Granting of permits for establishment of publishing houses

1. Before establishing publishing houses, managing agencies must send dossiers of application for the establishment permits to the Culture and Information Ministry. A dossier of permit application comprises:

- a) An application for permit, stating the name, guideline, purposes, service subjects, director, editor-in-chief, head office and capital of the publishing house;
- b) Resumes of the publishing house's director, editor-in-chief and list of editors.

2. Within thirty days after receiving complete and valid dossiers, the Culture and Information Ministry shall grant permits. In case of refusal to grant permits, the reasons therefore must be notified in writing.

3. After being granted permits for establishment of publishing houses, the managing agencies shall issue decisions to establish the publishing houses and complete necessary procedures prescribed by law.

Article 17. Change of managing agencies or names of managing agencies; change of names, guidelines, purposes, service subjects and head offices of publishing houses

1. When managing agencies, guidelines and purposes of publishing houses are changed, new managing agencies must carry out the procedures for applying for permits for establishment of

publishing houses according to the provisions of Article 16 of this Law.

2. When names of managing agencies or publishing houses, or service subjects of publishing houses are changed, the managing agencies must file written applications for change of permits to the Culture and Information Ministry.

3. When relocating their head offices, publishing houses must notify such in writing to the State management agencies in charge of publication activities within seven days after they move to new head offices.

Article 18. Registration of publication plans

Annually, publishing houses must register their publication plans with the Culture and Information Ministry before conducting publication activities.

Article 19. Author's rights in publication domain

The publication of works and reprinting of publications shall be conducted only after the publishing houses sign contracts with authors or owners of such works according to law provisions.

Article 20. Association in publication domain

1. Publishing houses may associate with authors or owners of works, individuals having business registration certificates for printing or distribution of publications, and organizations having the legal person status, in organizing manuscript, printing and distribution of each publication.

2. Directors of publishing houses organize the final editing and sign for approval manuscripts before printing, sign for approval associated publications before distribution thereof.

3. Organizations and individuals that associate with publishing houses prescribed in Clause 1 of this Article shall have their names inscribed in publications and take joint responsibility before law for the associated publications.

Article 21. Works which must have their contents evaluated before being reprinted

Where the contents of the following works show signs of violating the provisions of Article 10 of this Law, publishing houses must organize the evaluation thereof before registering their publication plans:

1. Works published before the August 1945 Revolution; works published in the 1945-1954 period in the regions temporarily occupied by the enemies;

2. Works published in the period from 1954 to April 30, 1975 in South Vietnam without permits of the Provisional Revolutionary Government of the Republic of South Vietnam;

3. Works published overseas.

Article 22. Publication of non-commercial documents of Vietnamese agencies and organizations

1. The publication of non-commercial documents of Vietnamese agencies and organizations not by publishing houses must be permitted by the State management agencies in charge of publication activities according to the following regulations:

a) The Culture and Information Ministry shall grant permits to central agencies and

organizations;

b) The provincial-level People's Committees shall grant permits to local agencies and organizations, and branches, representative offices and attached units of central agencies and organizations located in their localities.

2. A dossier of application for permit comprises:

a) An application for publication permit inscribed with the name of the applying agency or organization, the name, printing quantity, size, number of pages and summarized content of the document, distribution subjects and scope, commitment to strictly implement the permit's content;

b) Two manuscripts of the document; for documents in foreign languages or languages of Vietnam's ethnic minorities, the Vietnamese translations thereof must be enclosed.

3. Within ten days after receiving complete and valid dossiers, the State management agencies in charge of publication activities defined in Clause 1 of this Article shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

Article 23. Publication of works and documents of foreign organizations and individuals or international organizations in Vietnam

1. The publication of works of foreign organizations and individuals or international organizations in Vietnam for business purposes must be performed by Vietnamese publishing houses with relevant functions.

2. The publication of non-commercial documents of foreign organizations or international organizations in Vietnam not by Vietnamese publishing houses must be permitted by the Culture and Information Ministry.

Dossiers of application for permits shall comply with the provisions of Clause 2, Article 22 of this Law; for branches or representative offices of foreign organizations or international organizations, the publication permit applications must be enclosed with notarized copies of permits for setting up branches or representative offices granted by competent State management agencies.

3. Within ten days after receiving complete and valid dossiers, the Culture and Information Ministry shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

Article 24. Setting up of representative offices of foreign publishing houses in Vietnam

1. The setting up of representative offices of foreign publishing houses in Vietnam shall comply with Vietnamese law provisions and must be permitted by the Culture and Information Ministry.

2. A dossier of permit application comprises:

a) An application for permit for setting up a representative office, clearly stating the purposes, tasks, operation scope, head office and name of chief representative as well as the commitment to strictly comply with Vietnamese law provisions;

b) Written certification of the legal person status of the publishing house, granted by foreign competent State agency.

3. Within thirty days after receiving complete and valid dossiers, the Culture and Information Ministry shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

4. Vietnam-based representative offices of foreign publishing houses may introduce such publishing houses and their products, promote transactions on copyright and publications according to Vietnamese law provisions.

Article 25. Publication on the Internet

1. The publication on the Internet must be performed by publishing houses and comply with the provisions of this Law.

Lawfully circulated publications are allowed to be put onto the Internet.

2. The putting of publications onto the Internet shall comply with the Government's regulations.

Article 26. Information inscribed in publications

1. For books and documents in book form, the inscription of information shall be made according to the following regulations:

a) The front cover shall be inscribed with the book's title, the names of the author and the publishing house or agency or organization permitted to publish the book, the ordinal number of book volume;

b) The book title's page, which, apart from the information prescribed at Point a of this Clause, shall also be inscribed with the names of the chief editor or the translator(s) and the editor(s), the ordinal number of re-edition, the year of publication;

c) For translated books, the back side of the book title's page must be fully inscribed with the title of the original version, the names of the author and foreign publishing house and the year of publication; for books translated from versions in languages other than original languages; the languages and names of translators of versions in such languages must be clearly inscribed;

d) The book's last page shall be inscribed with the names of the person in charge of publication, the content editor, the cover designer and the illustrator; the size; the publication plan registration number; the serial number of the publishing house director's publication decision or the serial number of the publication permit of the State management agency in charge of publication activities, the number of printed copies, the printing establishment's name, and the date of depositing duty copies;

e) The back cover is inscribed with retail price; for books published by orders, the back covers must state that they are ordered books; for non-commercial books, the back covers must state they are not for sale; or associated books, the back covers must be inscribed with names and addresses of associated publishing, printing or distribution partners.

2. For publications other than books or documents in book form, their names, the names of publishing houses or agencies or organizations permitted to publish them; number of printed copies, the names of the printing establishments; the serial numbers of the publishing houses' directors' publication decisions or the serial numbers of publication permits of State management agencies in charge of publication activities; and the retail prices, must be inscribed; for ordered publications, there must be inscription that they are ordered publications; for non-commercial

publications, there must be inscription that they are not for sale; for associated publications, the names and addresses of publishing, printing or distribution associated partners must be inscribed.

Article 27. Depositing of copies of publications and depositing of copies of publications at Vietnam National Library

1. Before they are distributed, copies of all publications must be deposited. The depositing of copies of publications shall be made according to the following regulations:

a) At least ten days before the distribution of a publication, the publishing houses, the agencies or organizations permitted for publication must deposit three copies thereof at the Culture and Information Ministry; for publications with less than three hundred printed copies each, two copies shall be deposited;

b) Agencies and organizations having documents published under permits of provincial-level People's Committees, apart from the copies which must be deposited according to the provisions of Point a of this Clause, shall also have to deposit two other copies at the permitting provincial-level People's Committees.

2. After publications are distributed, publishing houses, agencies or organizations permitted for publication shall have to deposit five copies thereof at Vietnam National Library; for publications with less than three hundred printed copies each, two copies shall be deposited.

Article 28. Reading of deposited copies of publications

1. The Culture and Information Ministry shall organize the reading of deposited copies of publications; the provincial-level People's Committees shall organize the reading of deposited copies of publications for which they have granted publication permits.

In cases where publications are detected as violating the provisions of this Law, the Culture and Information Ministry or the provincial-level People's Committees shall request in writing the publishing houses, agencies or organizations permitted to publish them to organize the evaluation of their contents and apply handling measures according to law provisions.

2. The Culture and Information Ministry shall assume the prime responsibility for, and coordinate with the Finance Ministry in, prescribing the regime of remuneration for readers of deposited copies of publications.

Article 29. Advertisements in publications

1. For books, only advertisements for their authors, works and publishing houses on the inside front covers and both sides of the back covers are permitted.

2. For non-commercial documents, only advertisements for products, services and operations of agencies or organizations publishing such documents are permitted.

3. Advertisements for goods and/or services banned from advertisement by law are prohibited.

Article 30. Handling of violations in publication domain

1. Publishing houses, agencies or organizations permitted for publications, which have publications violating the provisions of Articles 10, 18, 19, 20, 21, 22, 23, 25, 26, 27 and 29 of this Law shall, depending on the nature and seriousness of their violations, have to correct or amend such publications before distributing them or be temporarily suspended from distribution, have their publications withdrawn, confiscated, prohibited from circulation or destroyed; in cases

where they cause damage to other agencies, organizations or individuals, they must make public apologies, corrections on the press or pay compensations therefore according to law provisions.

2. Publishing houses, organizations or individuals engaged in the publication domain and having publications violating the provisions of Article 10 of this Law shall, depending on the nature and seriousness of the violations, be temporarily suspended from operation, have their permits withdrawn or be examined for penal liability; if damage is caused, they must pay compensations therefor according to law provisions.

3. The State management agencies in charge of publication activities must take responsibility for their handling decisions.

Chapter III

DOMAIN OF PRINTING OF PUBLICATIONS

Article 31. Granting of permits for printing of publications

1. Conditions for granting of permits for printing of publications include:

a) Directors or owners of printing establishments are Vietnamese citizens having registrations of permanent residence in Vietnam, possessing printing professional qualifications, and meeting other criteria prescribed by law;

b) Having production spaces and equipment for printing of publications;

c) Ensuring the security and order conditions;

d) Being in line with the planning on development of publication printing.

2. A dossier of application for permit comprises:

a) An application for permit, stating the name, address, purposes and main products of the printing establishment;

b) Documents proving it has production spaces, the list of main equipment, and the resume of the printing establishment's director or owner;

c) Notarized copies of the business registration certificate of the printing establishment;

d) Written commitment to satisfy conditions on security and order according to law provisions.

3. Competence to grant permits is prescribed as follows:

a) The Culture and Information Ministry shall grant permits to printing establishments of central-level agencies or organizations;

b) The provincial-level People's Committees shall grant permits to local printing establishments.

4. Within ten days after receiving the complete and valid dossiers, the State management agencies in charge of publication activities, defined in Clause 3 of this Article, shall have to grant permits for publication-printing activities. In case of refusal to grant permits, the reasons therefore must be stated in writing.

Article 32. Conditions for acceptance of publications for printing

1. The printing of publications is conducted according to the following regulations:

a) For publications of publishing houses, the publication decisions of publishing houses'

directors are required;

b) For non-commercial documents of Vietnamese agencies or organizations, which are not published by publishing houses, the publication permits of State management agencies in charge of publication activities are required;

c) For non-commercial documents of Vietnam-based foreign organizations or international organizations, which are not published by Vietnamese publishing houses, the publication permits of the Culture and Information Ministry are required;

d) For publications printed by printing establishments of central agencies or organizations under contracts for foreign countries, the permits for contracted printing of the Culture and Information Ministry are required. For publications printed by local printing establishments under contracts for foreign countries, the permits for contracted printing of the provincial-level People's Committees are required.

2. The printing of publications must be conducted under contracts. The printing of publications in excess of the projected numbers of printed copies must be agreed upon by the publishing houses and conducted under contracts.

Article 33. Operations of publication-printing establishments

1. Printing establishments shall be allowed to print publications only after they are granted permits for publication-printing activities.

2. Printing establishments shall be allowed to accept publications for printing according to the provisions of Article 32 of this Law.

3. When their names, addresses or owners are changed, or upon their separation, division or merger, printing establishments shall have to carry out the procedures for changing their publication-printing permits.

4. When their directors or owners are replaced, printing establishments shall have to send written notices thereon to the agencies granting the publication-printing permits, enclosed with the resumes of their new directors or owners.

Article 34. Contracted printing of publications for foreign countries

1. Publication-printing establishments are allowed to print publications under contracts for foreign countries. The contracted printing of publications for foreign countries must be permitted by the Culture and Information Ministry or the provincial-level People's Committees. A dossier of application for permit comprises:

a) An application for permit, stating the name, nationality of the representative of the foreign organization or individual that places the printing order, the title of the publication ordered to be printed, number of printed copies and export border-gate;

b) Two specimens of the publication ordered for printing;

c) A notarized copy of the publication-printing permit.

2. Within ten days after receiving complete and valid dossiers, the Culture and Information Ministry or the provincial-level People's Committees shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

Article 35. Detection of violating publications in the printing process

1. When detecting publications with contents violating the provisions of Article 10 of this Law, printing establishments must promptly report them to the State management agencies in charge of publication activities and concurrently notify such to the publishing houses, agencies, organizations or individuals that order the printing thereof.
2. In cases where the State management agencies in charge of publication activities decide to suspend the printing of publications, the publishing houses, agencies, organizations or individuals that have publications suspended from printing shall have to pay damage to the printing establishments. If their decisions are wrong, the State management agencies in charge of publication activities shall have to pay damage to the publishing houses, agencies, organizations or individuals having the publications suspended from printing.

Article 36. Handling of violations in the domain of publication printing

Printing establishments, organizations or individuals that are engaged in the domain of printing of publications and commit the following acts shall, depending on the nature and seriousness of their violations, have to stop printing publications currently in the printing process, be temporarily suspended from activities of printing publications, have their publication-printing permits withdrawn or be examined for penal liability. If causing damage, they must pay compensations therefore according to law provisions:

1. Printing publications without publication-printing permits;
2. Printing publications without publication decisions of publishing houses or publication permits;
3. Printing publications under contracts for foreign countries without permits for contracted printing;
4. Printing publications subject to printing suspension, withdrawal, confiscation, circulation prohibition or destruction under issued decisions;
5. Printing publications not from manuscripts already signed for approval by publishing houses, agencies or organizations permitted for publication, without printing contracts or in excess of the numbers of printed copies stated in contracts.

Chapter IV

DOMAIN OF DISTRIBUTION OF PUBLICATIONS

Article 37. Activities of distributing publications

1. Distribution of publications covers the forms of purchase, sale, delivery, leasing, exhibition, fair, export and import of publications and putting of publications onto the Internet for dissemination to many people.
2. Publication-distributing establishments are establishments of organizations or individuals trading in publications.

Publishing houses are allowed to set up their publication-distributing establishments.

3. Business establishments engaged in import of publications (hereinafter referred to as publication-importing establishments) must have publication import permits granted by the

Culture and Information Ministry.

Article 38. Granting of publication import business permits

1. Conditions for publication-distributing establishments to be granted publication import business permits include:

- a) Being State-owned enterprises;
- b) Having personnel with adequate foreign language skills and professional qualifications for import activities.

2. A dossier of application for permit comprises:

- a) An application for publication import permit;
- b) A written request of the managing agency.

3. Within ten days after receiving complete and valid dossiers, the Culture and Information Ministry shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

Article 39. Business import of publications

1. The import of publications shall be conducted through publication-importing establishments.

2. Annually, publication-importing establishments must register their lists of to be-imported publications with the Culture and Information Ministry before importing them.

3. Directors of publication-importing establishments must organize the inspection of imported publications' contents before the distribution thereof and be held responsible before law for the contents of publications imported by their establishments.

Article 40. Import of non-commercial publications

The import of non-commercial publications by Vietnamese agencies, organizations or individuals, foreign organizations or individuals, international organizations or overseas Vietnamese, that are operating in Vietnam, shall be prescribed by the Government.

Article 41.- Export of publications

Publishing houses' publications which are lawfully circulated, when being exported to foreign countries, do not require permits of State management agencies in charge of publication activities.

Article 42. Publication exhibitions or fairs

1. The organization of publication exhibitions or fairs in Vietnam by Vietnamese agencies, organizations or individuals, foreign organizations or individuals, or international organizations must be permitted by the State management agencies in charge of publication activities according to the following regulations:

- a) The Culture and Information Ministry shall grant permits to central agencies and organizations, foreign organizations and individuals, and international organizations;
- b) The provincial-level People's Committees shall grant permits to local agencies, organizations and individuals, branches, representative offices and attached units of central agencies and organizations in their localities.

2. A dossier of application for permit comprises:

- a) An application for permit, stating the purpose, time and venue of, and names of units participating in, the exhibition or fair;
- b) The list of publications to be displayed at the exhibition or fair.

3. Within ten days after receiving complete and valid dossiers, the State management agencies in charge of publication activities, defined in Clause 1 of this Article, shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

4. Agencies, organizations or individuals that organize exhibitions or fairs without permits or fail to strictly comply with permits' contents shall be suspended from organizing such exhibitions or fairs or have their permits withdrawn.

Article 43. Cooperation with foreign countries in distribution of publications

1. Publication-distributing establishments with the legal person status may cooperate with foreign organizations or individuals in the form of business cooperation contracts or joint ventures for trading in publications according to law provisions.

2. The setting up in Vietnam of representative offices of foreign organizations engaged in the distribution of publications shall comply with Vietnamese law provisions and must be permitted by the Culture and Information Ministry according to the following regulations:

- a) A dossier of application for permit comprises an application for operation permit, stating the representative office's operation purposes, tasks and scope, head office and chief representative, and commitment to strictly comply with Vietnamese law provisions; the foreign competent State agency's written certification of the legal person status of the organization applying for representative office-setting up permit;

- b) Within ten days after receiving complete and valid dossiers, the Culture and Information Ministry shall have to grant permits. In case of refusal to grant permits, the reasons therefore must be clearly stated in writing.

3. Vietnam-based representative offices of foreign organizations engaged in the distribution of publications are allowed to introduce their organizations and products, and promote transactions on publication distribution according to Vietnamese law provisions.

Article 44. Handling of violations in the distribution of publications

1. When detecting publications with contents violating the provisions of Article 10 of this Law, publication-distributing establishments must report such to the State management agencies in charge of publication activities.

2. Publication-distributing establishments, organizations or individuals engaged in the distribution of publications, that commit the following acts, shall, depending on the nature and seriousness of their violations, be temporarily suspended from distributing activities, have to stop distributing activities, have their violating publications withdrawn, confiscated, prohibited from circulation or destroyed, be temporarily suspended from importing activities, have their import operation permits withdrawn, or be examined for penal liability. If causing damage, they must pay compensations therefore according to law provisions:

- a) Distributing publications which are illegally published, printed or imported;

- b) Distributing publications subject to printing suspension, circulation prohibition, withdrawal, confiscation or destruction under issued decisions;
 - c) Selling non-commercial publications;
 - d) Selling or disseminating publications printed under contracts for foreign countries in the Vietnamese territory;
 - e) Importing publications without registered lists of imports or failing to strictly comply with registered lists.
3. In cases where the State management agencies in charge of publication activities decide to suspend the distribution, to stop the distribution, withdraw or confiscate the violating publications, the publishing houses or publication-importing establishments which have such violating publications must pay compensations for damage to distributing establishments. If their decisions are wrong, the State management agencies in charge of publication activities must pay compensations for damage to publishing houses or publication-importing establishments.

Chapter V

IMPLEMENTATION PROVISIONS

Article 45. Implementation effect

1. This Law shall take effect as from July 1, 2005.
2. This Law replaces the July 7, 1993 Publication Law.

Article 46. Implementation guidance

The Government details and guides the implementation of this Law.

This Law was passed on December 3, 2004 by the 11th National Assembly of the Socialist Republic of Vietnam, at its 6th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)
Nguyen Van An