

LAW
ON PUBLISHING

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 passed by Legislature X of the National Assembly at its 10th Session on 25 December 2001;

This Law regulates publishing.

Chapter I
GENERAL PROVISIONS

Article 1. Governing scope

This Law regulates the organization of publishing and publishing activities; and the rights and obligations of bodies, organizations and individuals participating in publishing activities.

Publishing activities include the sectors of publishing, printing of publications and distribution of publications.

Article 2. Applicable entities

This Law shall apply to Government bodies, political organizations, socio-political organizations, socio-politico-professional organizations, social organizations, socio-professional organizations, economic organizations, professional entities, units of the people's armed forces and Vietnamese citizens (hereinafter together referred to as bodies, organizations and individuals); and to international organizations and foreign organizations operating in the territory of Vietnam and to foreign individuals residing in Vietnam. If an international treaty which the Socialist Republic of Vietnam has signed or acceded to contains different provisions, the provisions of such international treaty shall prevail.

Article 3. Status and objectives of publishing activities

Publishing activities belong to the cultural and ideological sector by way of the production and distribution of publications amongst the people aimed at introducing ideas from all sectors of social life, ethnic cultural values and the essential culture of mankind, satisfying the spiritual needs of the people and raising their intellectual standards, creating good and ethical standards for the Vietnamese people, expanding cultural exchange with other countries, contributing to socio-economic development, fighting ideology and conduct which are harmful to the national interest, and contributing to the building and protection of the Socialist Republic of Vietnam.

Article 4. Publications

Publications means works and data about politics, economics, culture, society, education and training, science and technology, literature and art which are published in the Vietnamese language, in languages of ethnic minorities or in foreign languages, and which may also be expressed in the forms of images and music on different materials and facilities.

Data as regulated in this Law shall comprise propaganda, campaign material, study guides, operating instructions, resolutions of the Party and laws of the State; technical guidelines for manufacturing; material fighting against natural disasters and epidemics; and seminar bulletins.

Article 5. Assurance of right to distribute works and right to protection of copyright

1. The State shall assure the right to distribute works in the form of publications by publishing houses and shall assure protection of copyright.
2. The State shall not censor works prior to their publication.
3. No body, organization or individual shall be permitted to take advantage of its right to distribute works in order to harm the interests of the State or the lawful rights and interests of other bodies, organizations and individuals.

Article 6. Policy on development of publishing profession

1. It is the policy of the State to encourage and facilitate the development of the publishing industry into a multi-faceted eco-technical industry.

2. It is the policy of the State to place orders for publications on theoretical and political subjects; publications for young persons, infants, ethnic minority groups, and the blind; publications which require wide distribution for important political and social purposes and in order to provide information about external relations; and it is the policy of the State to provide financial assistance for the costs of delivery of publications to areas with difficult and specially difficult socio-economic conditions, publications which provide information about external relations, and publications servicing compatriots in mountainous and sea island areas.

3. The State shall purchase manuscripts of valuable works when it is not yet appropriate to publish them or for which readership is limited; and shall provide financial assistance to purchase copyright in domestic and foreign works with value in servicing economic, cultural and social development.

The Government shall provide specific regulations on implementation of the policies stipulated in this article.

Article 7. State administrative body for publishing activities

1. The Government shall exercise uniform State administration of publishing activities throughout the whole country.

2. The Ministry of Culture and Information shall be responsible to assist the Government to exercise uniform State administration of publishing activities.

Ministries and ministerial equivalent bodies shall, in accordance with the authority delegated to them, co-ordinate with the Ministry of Culture and Information in the exercise of State administration of publishing activities.

3. People's committees of provinces and cities under central authority

(hereinafter referred to as provincial people's committees) shall, in accordance with the authority delegated to them by the Government, exercise State administration of publishing activities within their respective localities.

Article 8 Contents of State administration of publishing activities

1. Formulation of strategies, master planning and specific plans for development of the publishing profession; promulgation of legal instruments and policies on publishing activities.

2. Administration of the work of scientific research and application of technology in publishing activities; training and fostering professional experts in publishing activities.

3. Administration of international co-operation in publishing activities.

4. Organization of the reading of copies of publications submitted for copyright registration.

5. Conduct of checks and inspections and resolution of complaints and denunciations about breaches of law during publishing activities.

6. Conduct of the work of providing commendations or of imposing

disciplinary penalties for publishing activities; selecting persons worthy of awards and conferring such awards for publications with a high value.

Article 9. Complaints and denunciations about publishing activities

1. Bodies, organizations and individuals shall have the right to lodge complaints about any decision or conduct contrary to law; and individuals shall have the right to lodge denunciations about any conduct contrary to law in publishing activities. Bodies, organizations and individuals shall be responsible before the law for their complaints and denunciations.

2. Bodies, organizations and individuals shall have the right to require a publishing house, a body or organization which is authorized to publish, or an author to publish a correction in the press or to pay compensation for loss and damage, to institute civil proceedings, or to request the competent State body to institute a prosecution when a publication contains errors about, slanders, or offends the honour and dignity of any such body, organization or individual or causes loss and damage to the legal rights and interests of such body, organization or individual.

Article 10. Conduct which is prohibited during publishing activities

1. Propaganda against the Socialist Republic of Vietnam; destruction of the unity of all citizens.
2. Propaganda about or incitement towards war and aggression, causing rancour between the citizens and those of other countries; incitement towards violence; spread of reactionary ideology, depraved life styles, cruel acts, social evils and superstition, or destruction of good morals and customs.
3. Disclosure of secrets of the Party, State, military, defence, economics or external relations; disclosure of secrets from the private lives of individuals, and of other secrets as stipulated by law.
4. Distortion of historical facts; opposing the achievements of the revolution; offending citizens, great persons and heroes; slandering or harming the reputation of bodies and organizations or offending the honour and dignity of individuals.

Chapter II

PUBLISHING SECTOR

Article 11. Entities permitted to establish publishing houses

Government bodies, political organizations, socio-political organizations and other organizations as stipulated by the Government shall be permitted to establish a publishing house.

Publishing houses shall be organized and operate in the form of a business enterprise subject to conditions or in the form of a revenue-earning professional entity.

Article 12. Conditions for establishment of publishing houses

To establish a publishing house, the following conditions must be satisfied:

1. The policy and objectives and the entities serviced must be consistent with the functions and duties of the managing body;
2. The heads of the publishing house must satisfy the standards stipulated in article 14.1 and the editorial staff must satisfy the standards stipulated in article 15.1 of this Law;
3. At least one of the persons occupying the position of head of the publishing house must have operated in the publishing sector for at least three years;
4. There must be operational headquarters, capital and the other necessary conditions required by law;
5. Compliance with the master plan for development of the publishing profession on a national basis and with master plans for each industry and each locality.

Article 13. Duties and powers of bodies managing publishing houses

Managing body of a publishing house means the body or organization which gives its name to the application for permission to establish a publishing house.

A managing body shall have the following duties and powers:

1. To determine the policy, objectives and operational direction of the publishing house and to direct implementation thereof; to approve publishing plans of the publishing house;
2. To issue initial capital and to ensure other necessary conditions are satisfied in order for the publishing house to operate;
3. To appoint, remove and dismiss the director and editor-in-chief of the publishing house after receiving written approval from the Ministry of Culture and Information;
4. To check and inspect the activities of the publishing house in accordance with its authority;
5. To bear responsibility for breaches of the law by the publishing house during the conduct of publishing activities within the scope of its duties and powers.

Article 14. Standards, duties and powers of directors and editors-in-chief of publishing houses

1. The director and editor-in-chief of a publishing house must be Vietnamese citizens, with registration of their permanent residential address in Vietnam; they must have university qualifications, management qualifications, professional expertise in publishing, and good political and ethical standards.

2. The director of a publishing house shall have the following duties and powers:

- (a) To ensure correct implementation of the policy and objectives of the publishing house;

- (b) To build the operational apparatus and staff of the publishing house;
- (c) To formulate and arrange implementation of the publishing plans;
- (d) To sign a publishing decision for each manuscript on the basis of the registered publishing plan;
- (dd) To sign approval of proofs prior to sending for printing and to sign approval of publications prior to distribution;
- (e) To determine and adjust retail sale prices of publications, including joint publications, in accordance with law;
- (g) To manage the assets and material facilities of the publishing house;
- (h) To bear responsibility before the managing body and before the law for the publications and all activities of the publishing house.

3. The editor-in-chief of a publishing house shall have the following duties and powers:

- (a) To assist the director to formulate publishing plans;
- (b) To arrange preparation of manuscripts;
- (c) To organize the editing of manuscripts;
- (d) To read and approve manuscripts prior to submitting them to the director of the publishing house and to bear joint responsibility before the law for the contents of publications of the publishing house.

Article 15. Standards, duties and powers of editorial staff of publishing houses

1. The editorial staff of a publishing house must be Vietnamese citizens, with registration of their permanent residential address in Vietnam; they must have university qualifications, professional expertise in publishing, and good political and ethical standards.

2. The editorial staff of a publishing house shall have the following duties and powers:

- (a) To give their names to publications in accordance with article 26 of this Law;
- (b) When editing, to reject any works with contents indicating a breach of article 10 of this Law and to report same to the director and editor-in-chief of the publishing house;
- (c) To bear responsibility before the director of the publishing house and before the law for the contents of publications which they edit.

Article 16. Issuance of licence for establishment of publishing house

1. Prior to establishment of a publishing house, the managing body must submit an application file for issuance of a licence to the Ministry of Culture and Information. The file shall comprise:

- (a) Application for issuance of a licence, specifying the name, the policy and objectives, the entities to be serviced, the director and editor-in-chief, and the head office and capital of the publishing house;
- (b) Summarized curriculum vitae of the director, editor-in-chief and editorial staff of the publishing house.

2. Within a time-limit of thirty (30) days from the date of receipt of a valid and complete file, the Ministry of Culture and Information shall issue a licence, or shall provide a written explanation for refusal in the case of refusal to issue a licence.

3. After a licence for establishment of a publishing house has been issued to a managing body, the managing body shall issue a decision on establishment of the publishing house and shall complete other necessary procedures as required by law.

Article 17. Change of managing body or name of managing body; change of name, policy, objectives, entities to be serviced, or head office of a publishing house

1. If there is a change of managing body or of the policy or objectives of a publishing house, the new managing body must conduct the procedures for application for issuance of a licence for establishment of a publishing house stipulated in article 16 of this Law.

2. If there is a change of name of the managing body or of the publishing house or a change of entities serviced by the publishing house, the managing body must submit a written request for amendment of its licence to the Ministry of Culture and Information.

3. If there is a change of head office of a publishing house, the publishing house must provide written notification thereof to the State administrative body for publishing activities within three days at the latest after the date of relocation to the new head office.

Article 18. Registration of publishing plans

Publishing houses shall register annually their publishing plans with the Ministry of Culture and Information prior to conducting any publishing activities.

Article 19. Copyright in publishing sector

The publication of works and the re-publishing of publications shall only be implemented after there is a contract with the author or owner of the work in accordance with law.

Article 20. Associations in publishing sector

1. Publishing houses shall be permitted to associate with authors and owners of works, with individuals with a business registration certificate for printing or distribution of publications, and with organizations with legal entity status in order to arrange the preparation of manuscripts and the printing and distribution of each publication.

2. The director of a publishing house shall arrange the editing and completion of a manuscript and shall sign his or her approval of the proof prior to sending it for printing and shall sign his or her approval of a joint publication prior to its distribution.

3. If any organization or individual associates with a publishing house as stipulated in clause 1 of this article, the name of such organization or individual shall appear in the publication and such organization or individual shall bear joint responsibility before the law for the joint publication.

Article 21. Works the contents of which must be evaluated prior to re- publication

If the contents of the following works bear indications of a breach of article 10 of this Law, the publishing house must evaluate such works prior to registration of its publishing plan:

1. Works published prior to the August Revolution in 1945; works published in the years 1945 to 1954 in temporarily occupied zones;

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

3. Works published abroad.

Article 22. Publication of non-business data of Vietnamese bodies and organizations

1. To publish non-business data of Vietnamese bodies and organizations other than by way of a publishing house, the State administrative body for publishing activities must issue a permit in accordance with the following provisions:

(a) The Ministry of Culture and Information shall issue permits to central bodies and organizations;

(b) Provincial people's committees shall issue permits to local bodies and organizations; and to branches, representative offices and subsidiaries situated in their respective localities of central bodies and organizations.

2. An application file for issuance of a permit shall comprise:

(a) Application for a publishing permit, specifying the name of the applicant body or organization, name of the data, number of copies to be printed, the graphics, the number of pages, a summary of the contents, the subjects and scope of distribution, and an undertaking to implement correctly the provisions stipulated in the permit;

(b) Two copies of the manuscript; if the manuscript is in a foreign language or in the language of an ethnic minority group, there must also be a translation into Vietnamese.

3. Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the State administrative body for publishing activities as stipulated in clause 1 of this article shall issue a permit, or shall provide a written explanation for refusal in the case of refusal to issue a permit.

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

1. Publication of works of foreign organizations and foreign individuals and of international organizations for the purpose of conducting business in Vietnam must be implemented by a Vietnamese publishing house with the appropriate function.

2. Publication of non-business data of foreign organizations and of international organizations in Vietnam which is not implemented by a Vietnamese publishing house shall be subject to a permit from the Ministry of Culture and Information.

The provisions in article 22.2 of this Law shall apply to an application file for issuance of a permit; in the case of an application to publish by a branch or representative office of a foreign organization or international organization, the application shall include a notarized copy of the licence for establishment of the branch or representative office issued by the competent State body.

3. Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the Ministry of Culture and Information shall issue a permit, or shall provide a written explanation for refusal in a case of refusal to issue a permit.

Article 24. Establishment of representative offices of foreign publishing houses in Vietnam

1. The establishment of a representative office of a foreign publishing house in Vietnam shall be implemented in accordance with the laws of Vietnam and shall be subject to a licence from the Ministry of Culture and Information.

2. An application file for issuance of a licence shall comprise:

(a) Application for establishment of a representative office, specifying the objectives, duties, scope of operation, the address of head office in Vietnam, the name of the person who will be the head of the representative office, and an undertaking to implement correctly the laws of Vietnam;

(b) Certification of the legal entity status of the publishing house issued by the competent State body of the foreign country.

3. Within a time-limit of thirty (30) days from the date of receipt of a valid and complete file, the Ministry of Culture and Information shall issue a licence, or shall provide a written explanation for refusal in the case of refusal to issue a licence.

4. A representative office of a foreign publishing house in Vietnam shall be permitted to introduce the publishing house and its products and to expedite transactions relating to copyright and publications in accordance with the laws of Vietnam.

Article 25. Publishing on computer information network (Internet)

1. Publishing on the computer information network must be implemented by a publishing house and must comply with the provisions of this Law.

Publications which are being circulated legally shall be permitted to be placed on the computer information network.

2. Placing publications on the computer information network shall be implemented in accordance with regulations of the Government.

Article 26. Information appearing in publications

1. In the case of books and data in book form, the recording of information in such books shall be implemented in accordance with the following provisions:

(a) On the front cover, there shall be recorded the name of the book; the name of the author; the name of the publishing house or of the body or organization with the publishing permit; and the number of the series;

(b) On the title page, in addition to all of the information stipulated in clause 1 of this article, there shall be recorded the name of the chief editor or the translator, the name of the person making revisions, the number of times the publication has been re-published, and the year of publication;

(c) In the case of a translated book, on the reverse side of the title page, there shall be recorded in full the name of the original book, the author and the foreign publishing house and the year of publication; if the book is a translation from a language other than the language of the original book, the former language must be recorded together with the name of the person who made the translation from such former language;

(d) On the last page of the book, there shall be recorded the names of the person responsible for publishing, the person who edited the contents, the person who designed the cover, the illustrator, and the graphic designer; the registration number of the publishing plan; the number of the publishing decision of the director of the publishing house or the number of the publishing permit issued by the State administrative body for publishing activities; the number of copies printed; the name of the printers; and the date of submission of a copy of the publication for copyright registration;

(dd) On the back cover of the book, there shall be recorded the retail sale price; if an order was placed for the book, this fact must be recorded; in the case of a non-business book, it must be recorded that the book is not-for-sale; and in the case of a joint book, the names and addresses of the parties involved in the joint publishing, printing or distribution must be recorded.

2. In the case of publications which are not books or data in book form, there must be recorded the name of the publication; the name of the publishing house or of the body or organization with the publishing permit; the number of copies printed and the name of the printers; the number of the publishing decision of the director of the publishing house or the number of the publishing permit issued by the State administrative body for publishing activities; and the retail sale price; if an order was placed for the publication, this fact must be recorded; in the case of a non-business publication, it must be recorded that the publication is not-for-sale; and in the case of a joint publication, the names and addresses of the parties involved in the joint publishing, printing or distribution must be recorded.

Article 27. Submission of copy of publication for copyright registration and submission of copy of publication to National Library of Vietnam

1. A copy of each and every publication must be submitted for copyright registration prior to distribution of the publication in accordance with the following provisions:

(a) At least ten (10) days prior to distribution, the publishing house or the body or organization with the publishing permit shall submit three copies with the Ministry of Culture and Information, or two copies if less than three hundred copies of the publication have been printed;

(b) In the case where a provincial people's committee issued the permit to publish data to a body or organization, in addition to the number of copies which must be submitted pursuant to sub-clause (a) of this clause, two copies must also be submitted to the provincial people's committee.

2. After a publication has been distributed, the publishing house or the body or organization with the publishing permit shall submit five copies to the National Library of Vietnam, or two copies if less than three hundred copies of the publication have been printed.

Article 28. Reading of submitted copy of publication

1. The Ministry of Culture and Information shall arrange for the reading of submitted copies of publications; and provincial people's committees shall arrange for the reading of submitted copies of publications for which such provincial people's committee issued the publishing permit.

If it is discovered that a publication breaches the provisions of this Law, the Ministry of Culture and Information or the provincial people's committee shall send a written notice requiring the publishing house or the body or organization with the publishing permit to arrange evaluation of the contents and shall apply measures for dealing with the breach in accordance with law.

2. The Ministry of Culture and Information shall preside over co-ordination with the Ministry of Finance to issue regulations on remuneration for readers of submitted copies of publications.

Article 29. Advertising in publications

1. In the case of books, there may only be advertisements of the author, the work and the publishing house on the reverse side of the front cover and on both sides of the back cover, except for specialized books on advertising.

2. In the case of non-business data, there may only be advertisements of the products, services and operations of the body or organization publishing such data.

3. Advertising of goods and services which the law prohibits to be advertised shall not be permitted.

Article 30. Dealing with breaches in publishing sector

1. Any publishing house or any body or organization with a publishing permit which has a publication which breaches articles 10, 18, 19, 20, 21, 22, 23, 25, 26, 27 or 29 of this Law shall, depending on the nature and seriousness of the breach, be subject to the following: compulsory amendment of the publication prior to it being published; temporary suspension of distribution of the publication; retrieval,

confiscation, prohibition from circulation or destruction of the publication; and if loss and damage is caused to another body, organization or individual, the offender must make a public apology or print a correction in the press and must pay compensation in accordance with law.

2. Any publishing house or any organization or individual participating in publishing activities having a publication which breaches article 10 of this Law shall, depending on the nature and seriousness of the breach, be subject to temporary suspension of its operations, revocation of its licence, or criminal prosecution; and if loss and damage is caused, it must pay compensation in accordance with law.

3. The State administrative body for publishing activities shall be responsible for its decisions dealing with breaches.

Chapter III

PRINTING OF PUBLICATIONS SECTOR

Article 31. Issuance of licence for activities of printing publications

1. For issuance of a licence for activities of printing publications, the following conditions must be satisfied:

(a) The director or owner of the printing establishment must be a Vietnamese citizen, with registration of his or her permanent residential address in Vietnam; he or she must have professional expertise in printing, and he or she must satisfy other conditions stipulated by law;

(b) There must be a production establishment and facilities for printing publications;

(c) The conditions on security and order must be satisfied;

(d) There must be compliance with the master planning for development of printing of publications.

2. An application file for issuance of a licence shall comprise:

(a) Application for a licence, specifying the name and address of the printing establishment, its objectives and main products;

(b) Data proving that there is a production establishment; a list of the main facilities; and a summarized curriculum vitae of the director or owner of the printing establishment;

(c) Notarized copy of the business registration certificate of the printing establishment;

(d) Undertaking to implement correctly the conditions on security and order.

3. Authority to issue a licence shall be provided for as follows:

(a) The Ministry of Culture and Information shall issue licences for printing establishments of central bodies and organizations;

(b) Provincial people's committees shall issue licences for local printing establishments.

4. Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the State administrative body for publishing activities as stipulated in clause 3 of this article shall issue a licence for activities of printing publications, or shall provide a written explanation for refusal in the case of refusal to issue a licence.

Article 32. Conditions for receipt of orders for printing publications

1. The printing of publications shall be implemented in accordance with the following provisions:

(a) In the case of publications of a publishing house, there must be a publishing decision signed by the director of the publishing house;

(b) In the case of non-business data of Vietnamese bodies and organizations which is not published by a publishing house, there must be a publishing permit issued by the State administrative body for publishing activities;

(c) In the case of non-business data of foreign organizations and of international organizations in Vietnam which is not published by a Vietnamese publishing house, there must be a publishing permit issued by the Ministry of Culture and Information;

(d) In the case of publications printed for overseas parties at the printing establishment of a central body or organization, there must be a printing permit issued by the Ministry of Culture and Information; and in the case of publications printed for overseas parties at a local printing establishment, there must be a printing permit issued by the provincial people's committee.

2. The printing of publications shall be implemented by way of a contract. The activity of both printing and publishing a publication must be approved by the publishing house and shall be implemented by way of a contract.

Article 33 . Activities of establishments printing publications

1. Printing establishments shall only be entitled to print publications after they have been issued with a licence for the activity of printing publications.

2. Printing establishments shall only be permitted to take orders for printing publications in accordance with the provisions of article 32 of this Law.

3. When a printing establishment changes its name or address, changes the owner of the establishment, or when it demerges or merges, it shall conduct procedures for amendment of its licence for the activity of printing publications.

4. When there is a change of the director or owner of a printing establishment, the printing establishment must notify the body which issued its licence for the activity of printing publications, enclosing a summarized curriculum vitae of the new director or new owner of the printing establishment.

Article 34. Printing publications for overseas parties

1. Establishments which print publications shall be permitted to print publications for overseas parties, subject to issuance of a permit by the Ministry of Culture and Information or by a provincial people's committee.

An application file for issuance of a permit shall comprise:

(a) Application for issuance of a permit, specifying the name and nationality of the representative of the foreign organization or foreign individual placing the order for printing, the name of the publication, the number of copies to be printed, and the export bordergate;

(b) Two copies of the publication required to be printed;

(c) Notarized copy of the licence for the activity of printing publications.

2. Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the Ministry of Culture and Information or a provincial people's committee shall issue a permit, or shall provide a written explanation for refusal in the case of refusal to issue a permit.

Article 35. Discovery of a publication in breach during printing

1. If a printing establishment discovers that a publication has contents which breach article 10 of this Law, the printing establishment must immediately report to the State administrative body for publishing activities and, at the same time, notify the publishing house and the body, organization or individual having placed the order.

2. In the case where the State administrative body for publishing activities issues a decision suspending printing of a publication, the publishing house or the body, organization or individual to which such publication belongs must pay compensation for loss to the printing establishment; and if the decision was incorrect, the State administrative body for publishing activities must pay compensation for loss to the publishing house or to the body, organization or individual to which such publication belongs.

Article 36. Dealing with breaches in printing sector

Any printing establishment which commits or any organization or individual participating in the sector of printing of publications and committing any of the following acts shall, depending on the nature and seriousness of the breach, be subject to suspension of printing of the publication that is currently being printed; temporary suspension of its activity of printing publications; revocation of its licence for the activity of printing publications, or criminal prosecution; and if loss and damage is caused, it must pay compensation in accordance with law:

1. Printing of a publication without a licence for the activity of printing publications;

2. Printing of a publication without a publishing decision of a publishing house or without a publishing permit;

3. Printing of a publication for overseas parties without a printing permit;

4. Printing of a publication which is subject to a decision on suspension of printing; or which is subject to a decision on retrieval, confiscation, prohibition from circulation or destruction of the publication;
5. Printing of a publication which is different from the proof for which the publishing house or body or organization authorized to publish the publication signed approval or for which there is no printing contract; or printing a number of copies in excess of the number stipulated in the contract.

Chapter IV

DISTRIBUTION OF PUBLICATIONS SECTOR

Article 37. Activity of distribution of publications

1. Distribution of publications shall include the activities of purchase, sale, dissemination, leasing out, exhibiting at fairs and exhibitions, export and import of publications and placing publications on the computer information network (Internet) in order to distribute them to multiple persons.

2. Publications distribution establishment means an establishment belonging to an organization or individual conducting business in publications.

A publishing house shall be permitted to establish a publications distribution establishment.

3. An establishment conducting the business of importing publications (hereinafter referred to as a publications importing establishment) must have a licence for the activity of importing publications issued by the Ministry of Culture and Information.

Article 38. Issuance of licence to conduct business of importing publications

1. For issuance of a licence to conduct the business of importing publications to a publications distribution establishment, the following conditions must be satisfied:

(a) It must be a State owned enterprise;

(b) It must have staff with professional qualifications in foreign languages and professional expertise in importing.

2. An application file for issuance of a licence shall comprise:

(a) Application for issuance of a licence to conduct the activity of importing publications;

(b) Letter of request from the managing body.

3. Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the Ministry of Culture and Information shall issue a licence, or shall provide a written explanation for refusal in the case of refusal to issue a licence.

Article 39. Business of importing publications

1. The importation of publications shall be implemented through publications importing establishments.

2. Publications importing establishments shall, prior to conducting any importation, register annually a list of publications to be imported with the Ministry of Culture and Information.

3. The director of a publications importing establishment must organize a check of the contents of an imported publication prior to its distribution and shall be responsible before the law for the contents of publications which the establishment has imported.

Article 40. Importation of non-business publications

The Government shall provide regulations on the importation of non-business publications by the following entities currently operating in Vietnam: Vietnamese bodies, organizations and individuals; foreign organizations and foreign individuals; international organizations; and Vietnamese residing overseas.

Article 41. Exportation of publications

A permit from the State administrative body for publishing activities shall not be required in order to export publications of a publishing house which are being circulated legally.

Article 42. Holding exhibitions or fairs of publications

1. Prior to a Vietnamese body, organization or individual, a foreign organization or individual, or an international organization holding an exhibition or fair of publications in Vietnam, the State

administrative body for publishing activities must issue a permit in accordance with the following provisions:

(a) The Ministry of Culture and Information shall issue permits to central bodies and organizations, to foreign organizations and individuals, and to international organizations;

(b) Provincial people's committees shall issue permits to local bodies and organizations; and to branches, representative offices and subsidiaries situated in their respective localities of central bodies and organizations.

2. An application file for issuance of a permit shall comprise:

(a) Application for issuance of a permit, specifying the objectives, dates and duration, location of and names of the entities participating in the exhibition or fair;

(b) List of publications to be displayed at the exhibition or fair.

3. Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the State administrative body for publishing activities as stipulated in clause 1 of this article shall issue a permit, or shall provide a written explanation for refusal in the case of refusal to issue a permit.

4. If any body, organization or individual holds an exhibition or fair without a permit, or fails to implement correctly the provisions in an issued permit, the exhibition or fair shall be suspended or the permit shall be revoked.

Article 43 International co-operation in distribution of publications

1. Any publications distribution establishment with legal entity status shall be permitted to co-operate with a foreign organization or foreign individual in the form of a business co-operation contract or a joint venture in order to conduct business in publications in accordance with law.

2. The opening by a foreign organization of a representative office in Vietnam in the sector of distribution of publications must be implemented in accordance with the law of Vietnam and shall be subject to issuance of a licence by the Ministry of Culture and Information in accordance with the following provisions:

(a) An application file for issuance of a licence shall comprise an application for an operational licence, specifying the objectives, duties, scope of operation, head office, name of the person heading the representative office, and an undertaking to implement correctly the law of Vietnam; and certification issued by the competent State body of the foreign country of legal entity status of the organization applying to open the representative office;

(b) Within a time-limit of ten (10) days from the date of receipt of a valid and complete file, the Ministry of Culture and Information shall issue a licence, or shall provide a written explanation for refusal in the case of refusal to issue a licence.

3. The representative office in Vietnam of a foreign organization in the sector of distribution of publications shall be permitted to introduce the organization and its products and to expedite transactions relating to distribution of publications in accordance with the law of Vietnam.

Article 44. Dealing with breaches in sector of distribution of publications

1. If a publications distribution establishment discovers that the contents of a publication breach the provisions of article 10 of this Law, such establishment must report to the State administrative body for publishing activities.

2. Any publications distribution establishment which commits or any organization or individual participating in the sector of distribution of publications and committing any of the following acts shall, depending on the nature and seriousness of the breach, be subject to temporary suspension of distribution; or suspension of distribution; or retrieval, confiscation, prohibition from circulation or destruction of the offending publication; or temporary suspension of the activity of importing by the offender; or revocation of its licence for the activity of importing; or criminal prosecution; and if loss and damage is caused, it must pay compensation in accordance with law:

(a) Distribution of a publication when publishing, printing or importation of such publication is illegal;

(b) Distribution of a publication which is subject to a decision on suspension of printing; or which is subject to a decision on retrieval, confiscation, prohibition from circulation, or destruction of the publication;

(c) Sale of a publication in the non-business category;

(d) Sale or distribution in the territory of Vietnam of a publication which was printed for an overseas party;

(dd) Importation of a publication without registration of an import list or importation of a publication without correct implementation of the registered import list.

3. In the case where the State administrative body for publishing activities issues a decision on temporary suspension of distribution; or suspension of distribution; or retrieval or confiscation of an offending publication, the publishing house or the establishment which imported the offending publication must pay compensation for loss to the distributing establishment; and if the decision was incorrect, the State administrative body for publishing activities must pay compensation for loss to the publishing house or to the establishment which imported the publication.

Chapter V

IMPLEMENTING PROVISIONS

Article 45. Effectiveness

1. This Law shall be of full force and effect as of 1 July 2005.
2. This Law shall replace the Law on Publication dated 7 July 1993.

Article 46. Implementing guidelines

The Government shall provide detailed regulations and guidelines for implementation of this Law.

This Law was passed by Legislature XI of the National Assembly of the Socialist Republic of Vietnam at its 6th Session on 3 December 2004.

THE CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Van An