

Legal News October 2018

In addition to other resources, Legal News are updated monthly by Vision & Associates in both English and Vietnamese, with a view to providing a wide network of our clients and business partners with prominent and updated legal changes and development in Vietnam. Our Legal News relate mainly to foreign investment, trading, import and export, taxation, finance and banking, labour, and other relevant issues. The news of the recent year are shown below.

Our employment policy

We acknowledge that people are the most important factor ensuring a company's long term success. Therefore, Vision & Associates places special emphasis on human resources development by recruiting and training talented young lawyers and consultants. We will continue to invest in our people, so that the Firm has the ability to anticipate changes and look to the future, as our name implies.

We offer exceptional career opportunities to you in an environment that is challenging, rewarding and, we believe, truly beneficial to your career.

For more information on career opportunities, please contact us at:

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2017/2018

Vision & Associates is locally and internationally recognized as a leading professional firm of Vietnam.

Banking and Finance:

Tier 3

The Firm: At **Vision & Associates**, managing partner Pham Nghiem Xuan Bac and Luu Tien Ngoc have been particularly active. Highlights included advising the World Bank on setting up a pilot City Infrastructure Financing Facility and acting for a large domestic company in obtaining loans for a high-profile real estate development

Capital Market:

Tier 2

The Firm: **Vision & Associates** handles various Vietnamese legal issues regarding international capital markets matters. Pham Nghiem Xuan Bac and Dang Trong Hieu advise Franklin Templeton on a contemplated sale of securities via an off-exchange transaction. Other work relates to the Vietnamese law aspects of foreign listings, testament to this is Luu Tien Ngoc and Le Tuan Anh's advice to Cheong Yun Holdings, which owns resorts in Vietnam, on its planned Hong Kong listing. Other clients include Mekong Capital, the Vietnamese Securities Depository and Duxton Asset Management.

Corporate and M&A:

Tier 3

The Firm: **Vision & Associates** works with leading global firms to advise international investors on a range of acquisitions, including matters concerning competition law and warranties and indemnities insurance, alongside more traditional transactional mandates. Pham Nghiem Xuan Bac heads the practice, with other key partners including Luu Tien Ngoc, Le Quynh Anh and Ngo Trung Hieu.

Dispute Resolution:

Tier 2

The Lawyers: **Vision & Associates'** dispute resolution practice handles mandates including debt recovery, employment law and intellectual property disputes, often working alongside leading international and Asian firms. Le Tuan Anh, Dang Trong Hieu and Le Quynh Anh are the key contacts. Senior associates Le Nguyen Anh Vu, Nguyen Bao Ngoc and Pham Minh Long are also noted.

Insurance:

Tier 2

The Firm: **Vision & Associates** advises international insurers on matters such as acquirer's warranties and indemnities insurance for M&A deals, as well as transactions in the sector. Luu Tien Ngoc, Dang Trong Hieu and senior associate Pham Thi Cuc advised Petrolimex Insurance on its sale of a stake to Samsung Fire & Marine Insurance. The team also advises the United Insurance Company of Vietnam and QBE on corporate matters.

Intellectual Property:

Tier 1

The Firm: **Vision & Associates'** IP practice, led by Do Quang Hung, advises owners of world-renowned intellectual property on anti-counterfeiting, registration oppositions and filings concerning trade marks and patents. At partner level, Nguyen Thi Thu Ha is a key contact, while senior associates Nguyen Vu Quan and Nguyen Thuy Hong are also noted. Clients include Jack Daniel's, Herbalife, Marvel Entertainment and Unilever.

The Lawyers: Managing partner Pham Nghiem Xuan Bac is ranked as *Leading Individual*.

Labour and Employment:

Tier 2

The Firm: **Vision & Associates'** employment practice cover matters such as recruitment procedure, data protection, executive terminations, and whistleblowing issues for national and international clients. Le Tuan Anh and Nguyen Thi Thanh Xuan advise Turkish Airlines on employment matters concerning its employees in Vietnamese airports, while in the contentious space Anh acted for United Insurance Company in terminating an employment contract following an employee's breach of company procedure. Luu Tien Ngoc advised Bayer on transferring employee data to third-party service providers.

Project & Energy:

Tier 3

The Firm: **Vision & Associates** advises on matters including road construction projects and renewable energy, acting for investors, developers and suppliers alike. Le Quynh Anh advised VTEC on contracts for an electronic toll collection system on several motorways, with Luu Tien Ngoc also a key contact.

Real Estate and Construction:

Tier 3

The Firm: **Vision & Associates** handles a mix of transactional and regulatory work, including real estate finance. Dang Trong Hieu advises Obayashi Corporation on subcontractors' agreements. Luu Tien Ngoc's expertise includes joint venture matters, and executive partner Le Quynh Anh is a key name for real estate finance. Managing partner Pham Nghiem Xuan Bac advises on first-in-country projects in the hospitality sector. Other clients include City Garden Apartments Vietnam, which the firm advised on corporate matters following a change of ownership.

TMT:

Tier 2

The Firm: **Vision & Associates** advises a range of national and international clients on data protection matters, as well as handling other telecoms and online regulatory matters. Le Tuan Anh and senior associate Vuong Son Ha assisted PCCW Media with a review of terms and conditions regarding its online music service's Vietnamese operations; Anh also advises Baidu on a proposed project launch in Vietnam. Luu Tien Ngoc advises Bayer on data protection matters concerning transfers of employee data. Other clients include John Lewis.

Tax:

Tier 3

The Firm: **Vision & Associates'** tax offering is a source of non-contentious advice covering personal taxes, corporate transactional matters and issues concerning corporate restructurings. Nguyen Thi Thanh Xuan is advising Air Liquide Vietnam on foreign contractor tax, and Le Quynh Anh is assisting Woodhouse Commodities with the tax aspects of its import and export businesses. Other clients include Vineco Agricultural Investment, Development and Productions, and Padmac Vietnam.

AsiaLaw Profiles	<p style="text-align: center;"><u>Overview:</u></p> <p>Vision & Associates advised Cam Lo – Tuy Loan BT Investment Company on a \$560 million loan financed by a group of Japanese banks. The team acted for the World Bank as a regulatory consultant for a project to set up a pilot City Infrastructure Financing Facility to finance municipal infrastructure in Vietnam.</p> <p style="text-align: center;"><u>Banking and Finance:</u></p> <p style="text-align: center;"><i>Vision & Associates is highly recommended.</i></p> <p>The Firm: Vision & Associates advised Cam Lo – Tuy Loan BT Investment Company on a \$560 million loan financed by a group of Japanese banks. The team acted for the World Bank as a regulatory consultant for a project to set up a pilot City Infrastructure Financing Facility to finance municipal infrastructure in Vietnam.</p> <p>The Lawyers: PHAM NGHIEM Xuan Bac is ranked as <i>Market-leading Lawyer</i>.</p> <p style="text-align: center;"><u>Capital Markets:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: Vision & Associates, a full service law firm, acted as counsel to underwriters, corporations and bond issuers including ISDN Holdings, Franklin Templeton Investments and DWS Vietnam Fund.</p> <p>The Lawyers: Luu Tien Ngoc [<i>Leading Lawyer</i>] and Xuan Bac Pham Nghiem are the leading partners at the firm.</p> <p style="text-align: center;"><u>Corporate and M&A:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: Vision & Associates is a “very good firm for local corporate, commercial and contractual issue based advice,” according to a client.</p> <p>The Lawyers: Xuan Nguyen Thi Thanh is mentioned for her “impressive knowledge of local laws and clarity in communication”. Pham Nghiem Xuan Bac is ranked as <i>Market-leading Lawyer</i>. Luu Tien Ngoc, Dang Trong Hieu and Le Quynh Anh are ranked as <i>Leading Lawyers</i>.</p> <p>Key clients of the practice include Duxton Asset Management, VinaCapital Opportunity Fund and Keppel Land Vietnam.</p> <p style="text-align: center;"><u>Construction & Real Estate:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: Vision & Associates is a “very good firm for local corporate, commercial and contractual issue based advice,” according to a client.</p> <p>The Lawyers: Xuan Nguyen Thi Thanh is mentioned for her “impressive knowledge of local laws and clarity in communication”</p> <p style="text-align: center;"><u>Dispute Resolution:</u></p> <p style="text-align: center;"><i>Vision & Associates is highly recommended.</i></p> <p>The Firm: Spearheaded by Pham Nghiem Xuan Bac, the dispute resolution and litigation practice at Vision & Associates represents a range of industry leaders including LG Electronics Vietnam, Hyundai RNC Ha Tay and Chevron Lubricants Vietnam.</p> <p>The Lawyers: Quynh Anh Le acted for Hyundai RNC Ha Tay in a dispute against a Vietnamese individual over the termination of a house and purchase contract.</p> <p style="text-align: center;"><u>Intellectual Property:</u></p> <p style="text-align: center;"><u>Outstanding</u></p> <p>The Firm: “V&A [the firm] always provides practical and sharp resolutions and always achieve intended results,” says a client.</p> <p>The Lawyers: Vision & Associates’s IP team led by Quang Hung Do represented Charles & Keith against genuine handhelds bearing the mark “Charles & Keith” due to increased competition between authorised distributors and unauthorised sellers. Pham Nghiem Xuan Bac is ranked as <i>Market-leading Lawyer</i>.</p> <p style="text-align: center;"><u>IT, Telco & Media:</u></p> <p style="text-align: center;"><i>Vision & Associates is highly recommended.</i></p> <p>The Firm: Vision & Associates has a strong clientele in its IT, telco and media practice including IBM, Microsoft, Motorola and Baidu.</p> <p>The Lawyers: Tuan Anh Le assisted PCCW Media in reviewing the terms and conditions and privacy policy applicable to its digital online music services based on the Vietnamese laws in force. Le also advised Baidu, the largest Chinese web services company, in its plan to launch online services in Vietnam, including opining on IP and regulatory matters.</p> <p style="text-align: center;"><u>Labour & Employment:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: With clients such as JP Morgan Chase, Synergy Worldwide, Turkish Airlines and Boston Consulting Group, Vision & Associates has broad experience in the labour and employment market.</p> <p>The Lawyers: Tien Ngoc Luu advised Bayer on transfers of HR data among different entities and with third-party service providers. Tuan Anh Le advised United Insurance Company of Vietnam on the termination of a labour contract with the employee, who failed to comply with the employer’s salvage process by dismissal or mutual agreement</p> <p style="text-align: center;"><u>Project & Infrastructure:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: With industry specific knowledge and expertise, clients such as Ministry of Transport, Cam Lo-Tuy Loan Bt Investment Company and An Khanh New City Development are pleased to work with Vision & Associates. Clients appreciate its “excellent local knowledge, pro-active and professional work ethics”. The firm continues to provide services for internationally-funded projects on infrastructure and power plant development, especially renewable energy, covering all phases from approval, submission, location, procurement and construction.</p> <p style="text-align: center;"><u>Shipping, Maritime & Aviation:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: Vision & Associates advised Turkish Airlines on its retainer agreement including reviewing and revising employment contract template, a Tan Son Nhat Airport office lease agreement and application procedures for the issuance of a work permit.</p> <p>The Lawyers: Tien Ngoc Luu advised Sky Cargo Service Company on its listing on the Hong Kong Stock Exchange.</p> <p>The firm’s main clients include Cathay Pacific Airways, Lufthansa Technik, Southern Waterborne Transportation Corporation and Gefco.</p> <p style="text-align: center;"><u>Taxation:</u></p> <p style="text-align: center;"><i>Vision & Associates is recommended.</i></p> <p>The Firm: The tax practice group at Vision & Associates has particular experience in obtaining tax incentives for its clients’ new investment projects as well as obtaining clarification of tax incentive schemes.</p> <p>The Lawyers: Xuan Bac Pham Nghiem, the managing partner, advised a foreign multinational on compiling a tax matrix outlining local tax considerations for the transfer of direct and indirect shares for local subsidiary for its reorganisation.</p> <p style="text-align: center;"><u>Insurance:</u></p> <p>The Lawyers: Luu Tien Ngoc and Dang Trong Hieu, of the insurance practice at Vision & Associates, advised Asia Capital Reinsurance Group on a review of the establishment licence granted by Vietnamese authorities to a representative office of the organisation in Vietnam.</p>
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Chamber Asia	<p><u>Banking and Finance:</u></p> <p><u>Band 3</u></p> <p>What the team is known for Handles a wide range of banking and capital markets transactions, counselling clients on the establishment of domestic and foreign credit facilities and investment funds, syndicated bank lending and project financing. Active providing advisory services to various Vietnamese government agencies.</p> <p>Works highlights Worked with the Nomura Research Institute to review the legal framework in place for an ODA loan to be provided to Vietnam in order to support agriculture finance.</p> <p>Significant clients HSBC, World Bank, Sumitomo Mitsui Banking Corporation, Société Générale, Korea Development Bank.</p> <p>Notable practitioners Partner Luu Tien Ngoc [Band 3] has more than 20 years of experience in the legal and business consulting fields with key knowledge in foreign direct investment, banking and finance and capital markets. He is known for advising international companies in a broad range of sectors including telecommunications, electronics and banking.</p> <p><u>Corporate and M&A:</u></p> <p><u>Band 3</u></p> <p>What the team is known for Busy on M&A mandates across a range of industry sectors and additionally advises on business restructuring and corporate governance. Especially active working with asset managers and investment funds with targets in Vietnam.</p> <p>Work highlights Assisted BIDV Insurance with a private placement of shares valued at USD54 million. Advised DWS Vietnam Fund on the preparation of an amendment to a convertible bond agreement.</p> <p>Significant clients Crédit Agricole, Wärtsilä Vietnam, Duxton Asset Management, VinaCapital Vietnam Opportunity Fund.</p> <p>Notable practitioners Luu Tien Ngoc [Band 3] is co-head of department and has more than 22 years of experience on corporate law matters. He recently advised Duxton Asset Management on a USD2.6 million convertible bonds deal.</p> <p><u>Dispute Resolution:</u></p> <p><u>Band 3</u></p> <p>What the team is known for Robust Vietnamese practice experienced in both international arbitration and litigation in the domestic courts. Deep bench serving clients on a suite of contentious matters, from debt interest and sales agreement enforcement to construction and employee dismissal lawsuits.</p> <p>Works highlights Represented Lintec in a dispute regarding an outstanding payment related to a construction contract. Acted for Air Liquide Vietnam in a VIAC-seated dispute regarding an outstanding payment amount related to a sale and purchase agreement.</p> <p>Significant clients Fujita, LG Electronics Vietnam, Readymix Concrete, Hyundai, Taya Construction & Development.</p> <p>Notable practitioners Le Tuan Anh and director of the legal practice Le Quynh Anh are key contacts.</p> <p><u>Intellectual Property:</u></p> <p><u>Band 1</u></p> <p>What the team is known for Advises blue-chip clients in the media, consumer products and technology sectors on the prosecution and enforcement of IP rights, including industrial designs. Also advises on domain name protection and the resolution of cybersquatting issues, and continues to handle anti-counterfeiting actions.</p> <p>Strengths Multiple peers agree that “they are a really good firm.”</p> <p>Significant clients Unilever, Honda, Lacoste, Parfums Christian Dior, Warner Bros.</p> <p>Notable practitioners Le Thi Kim Dzung [Band 1] is a highly experienced special counsel with a background at the National Office of Intellectual Property. Particularly experienced in patents law, she has a long history of acting on patent prosecutions and enforcements on behalf of multinational clients.</p> <p>Head of the trade mark department Do Quang Hung [Band 2] is characterised by peers as “a very good lawyer.” His experience is centred on trade mark infringement cases and navigating lengthy contentious matters. He has been leading on a long running, and complex trade mark dispute on behalf of Ponaflex involving a cancellation action.</p> <p>Founding and managing partner Pham Nghiem Xuan Bac [Band 3] represents a high-profile clientele with prosecution and enforcement mandates across a range of industry sectors. He has extensive experience in relation to patent infringement cases.</p> <p><u>Real Estate:</u></p> <p><u>Other Noted Firms</u></p> <p>Le Quynh Anh [Band 2] of Vision & Associates has a long history in real estate and is especially renowned for her skilled handling of industrial property matters. She is described by multiple peers as a very respected lawyer “doing various angles of real estate.” Recently she has been acting for SUDICO on land use rights, contracting and development issues.</p> <p><u>TMT:</u></p> <p><u>Band 3</u></p> <p>What the team is known for Sizeable department which frequently advises major international companies on their Vietnamese operations. Notable expertise in data protection, licensing and internet privacy. Well complemented by the firm’s IP expertise.</p> <p>Work highlights Assisted TriMas with advice regarding its online recruitment process.</p> <p>Significant clients Electrolux, Motorola, Expedia, Pfizer, Microsoft.</p> <p>Notable practitioners A key contact is Luu Tien Ngoc, who leads the office’s TMT practice.</p>
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Trademark Prosecution

Tier 1: Vision & Associates' IP practice, led by Do Quang Hung, advises owners of world-renowned intellectual property on anti-counterfeiting, registration oppositions and filings concerning trade marks and patents. At partner level, Nguyen Thi Thu Ha is a key contact, while senior associates Nguyen Vu Quan and Nguyen Thuy Hong are also noted. Clients include Jack Daniel's, Herbalife, Marvel Entertainment and Unilever.

Asia Pacific Legal 500 2018/2019

Band 1: "Advises blue-chip clients across media, consumer products and technology on the protection of IP rights in Vietnam. Frequently assists in both prosecution and enforcement. Additional capacity in respect of domain name registration and resolution of cybersquatting issues." "Key players in the market; they've been around a long time and have developed a good team." Head of the trade mark department Do Quang Hung [*Band 2*] assists multinational clients on trade mark infringement proceedings in Vietnam. He also has experience advising on IP rights in Laos and Cambodia."

Chambers Asia 2016/2017

Intellectual property is more than just patents, designs, trademarks and copyrights, it is often the foundation of many for building a strong business and critical assets in many more. How you define, register and protect your innovation and creativity are strategic bottom-line issues in today's market, not only in Vietnam but in a wider market, to create and maintain your competing edge. We understand the issues and can help you register, protect and use your intellectual property.

Our Team

We have a team of trademark lawyers who have a wealth of experience and knowledge, not only in the local intellectual property/ trademark laws but also in the international laws and conventions that govern the procurement and enforcement of

trademark worldwide. With those, we can assist clients in establishing, maintaining, and enforcing trademark rights not only in Vietnam, but also from Vietnam and in the region. We provide practical guidance and precision in translation and other services needed during the registration process. Rather than simply communicating problems and impediments, we create and provide clients with solutions. Above all, our team is known to be the first choice in the sector in Vietnam.

Our Services

Your trademarks are an increasingly important and valuable component of your asset portfolio in today's brand-driven global economy. We offer innovative, commercially-focused and practical advice to help you protect and manage your trademark portfolio strategically. Our services in this area include:

- Advising on selection and suitability of marks for registration;
- Trademark classifications;
- Searching prior registrations and applications;
- Advising on prospects for obtaining registration;
- Filing applications and prosecution to registration;
- Conducting opposition proceedings;
- Advising on proper use of trademarks in packaging, labelling, advertising in print and electronic media;
- Watching and renewing registrations;
- Advising on rights in trade names, trade dress, passing-off, unfair competition, and unregistered trademark rights acquired through use;•
- Negotiating and drafting agreements for the purchase, sale, or licensing of trademark rights;
- Registering license and user agreements; and
- Trademark enforcement and litigation.

Our Clients

Our clients in this area include not only domestic clients

such as HTV, PEB, Sowatco, etc., but also multi-national companies such as Lacoste, HP, Parfums Christian Dior, Boeing, P&G, Mead Johnson, GE, Warner Bros., etc..