

# Bản tin Pháp lý Tháng 10/2018

Cùng với các tiện ích khác, Bản tin pháp lý được cập nhật hàng tháng, bằng cả tiếng Việt và tiếng Anh, nhằm cung cấp cho các khách hàng, các đối tác của Công ty các thông tin mới nhất về các vấn đề pháp lý ở Việt Nam. Bản tin Pháp lý tập trung chủ yếu vào việc cập nhật các thay đổi của hệ thống pháp luật ở Việt Nam trong các lĩnh vực Đầu tư nước ngoài, Thương mại, Xuất nhập khẩu, Thuế, Tài chính, Ngân hàng, Lao động, và các vấn đề liên quan khác. Quý vị có thể tham khảo các Bản tin pháp lý mới nhất được cập nhật dưới đây.

## Chính Sách Nhân Sự

Chúng tôi hiểu rằng mọi người là yếu tố quan trọng nhất để mọi thành công lâu dài của công ty. Do đó, Vision & Associates chú trọng đặc biệt vào phát triển nguồn nhân lực bằng cách tuyển dụng và đào tạo các luật sư và chuyên gia tư vấn tài năng. Chúng tôi sẽ tiếp tục đầu tư vào nhân viên của mình, để Công ty có khả năng dự đoán những thay đổi và nhìn về tương lai, như ý nghĩa thương hiệu của chúng tôi.

Chúng tôi cung cấp những cơ hội nghề nghiệp đặc biệt cho bạn trong một môi trường đầy thách thức, bổ ích và chúng tôi tin rằng, thực sự mang lại lợi ích cho sự nghiệp của bạn.

Để biết thêm thông tin về các cơ hội nghề nghiệp, vui lòng liên hệ với chúng tôi tại:

Văn Phòng Hà Nội:	Văn Phòng TP. Hồ Chí Minh:
Phòng 308-310, Tầng 3, Tháp Hà Nội, 49 Hai Bà Trưng, Hoàn Kiếm, Hà Nội, Việt Nam Tel.: (84-24) 3934 0629   Fax.: (84-24) 3934 0631 E-mail: <a href="mailto:vision@vision-associates.com">vision@vision-associates.com</a>	Phòng 905, Tầng 9, Tháp CitiLight, 45 Võ Thị Sáu, Quận 1, Hồ Chí Minh, Việt Nam Tel.: (84-28) 3823 6495   Fax.: (84-28) 3823 6496 E-mail: <a href="mailto:hcmvision@vision-associates.com">hcmvision@vision-associates.com</a>

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# 2017/2018

Chưa có bản dịch

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.

**Overview:**

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.

**Banking and Finance:**

***Vision & Associates is highly recommended.***

**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.

**The Lawyers:** PHAM NGHIEM Xuan Bac is ranked as *Market-leading Lawyer*.

**Capital Markets:**

***Vision & Associates is recommended.***

**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.

**The Lawyers:** Luu Tien Ngoc [*Leading Lawyer*] and Xuan Bac Pham Nghiem are the leading partners at the firm.

**Corporate and M&A:**

***Vision & Associates is recommended.***

**The Firm:** Vision & Associates is a “very good firm for local corporate, commercial and contractual issue based advice,” according to a client.

**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 *Market-leading Lawyer*. Luu Tien Ngoc, Dang Trong Hieu and Le Quynh Anh are ranked as *Leading Lawyers*.

Key clients of the practice include Duxton Asset Management, VinaCapital Opportunity Fund and Keppel Land Vietnam.

**Construction & Real Estate:**

***Vision & Associates is recommended.***

**The Firm:** Vision & Associates is a “very good firm for local corporate, commercial and contractual issue based advice,” according to a client.

**The Lawyers:** Xuan Nguyen Thi Thanh is mentioned for her “impressive knowledge of local laws and clarity in communication”

**Dispute Resolution:**

***Vision & Associates is highly recommended.***

**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.

**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.

**Intellectual Property:**

**Outstanding**

**The Firm:** “V&A [the firm] always provides practical and sharp resolutions and always achieve intended results,” says a client.

**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 *Market-leading Lawyer*.

**IT, Telco & Media:**

***Vision & Associates is highly recommended.***

**The Firm:** Vision & Associates has a strong clientele in its IT, telco and media practice including IBM, Microsoft, Motorola and Baidu.

**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.

**Labour & Employment:**

***Vision & Associates is recommended.***

**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.

**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

**Project & Infrastructure:**

***Vision & Associates is recommended.***

**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.

**Shipping, Maritime & Aviation:**

***Vision & Associates is recommended.***

**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.

**The Lawyers:** Tien Ngoc Luu advised Sky Cargo Service Company on its listing on the Hong Kong Stock Exchange.

The firm’s main clients include Cathay Pacific Airways, Lufthansa Technik, Southern Waterborne Transportation Corporation and Gefco.

**Taxation:**

***Vision & Associates is recommended.***

**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.

**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.

**Insurance:**

**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>Chamber Asia</p>	<p style="text-align: center;"><b><u>Banking and Finance:</u></b></p> <p style="text-align: center;"><b>Band 3</b></p> <p><b>What the team is known for</b> 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><b>Works highlights</b> 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><b>Significant clients</b> HSBC, World Bank, Sumitomo Mitsui Banking Corporation, Société Générale, Korea Development Bank.</p> <p><b>Notable practitioners</b> 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 style="text-align: center;"><b><u>Corporate and M&amp;A:</u></b></p> <p style="text-align: center;"><b>Band 3</b></p> <p><b>What the team is known for</b> Busy on M&amp;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><b>Work highlights</b> 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><b>Significant clients</b> Crédit Agricole, Wärtsilä Vietnam, Duxton Asset Management, VinaCapital Vietnam Opportunity Fund.</p> <p><b>Notable practitioners</b> 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 style="text-align: center;"><b><u>Dispute Resolution:</u></b></p> <p style="text-align: center;"><b>Band 3</b></p> <p><b>What the team is known for</b> 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><b>Works highlights</b> 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><b>Significant clients</b> Fujita, LG Electronics Vietnam, Readymix Concrete, Hyundai, Taya Construction &amp; Development.</p> <p><b>Notable practitioners</b> Le Tuan Anh and director of the legal practice Le Quynh Anh are key contacts.</p> <p style="text-align: center;"><b><u>Intellectual Property:</u></b></p> <p style="text-align: center;"><b>Band 1</b></p> <p><b>What the team is known for</b> 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><b>Strengths</b> Multiple peers agree that “they are a really good firm.”</p> <p><b>Significant clients</b> Unilever, Honda, Lacoste, Parfums Christian Dior, Warner Bros.</p> <p><b>Notable practitioners</b> 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 style="text-align: center;"><b><u>Real Estate:</u></b></p> <p style="text-align: center;"><b>Other Noted Firms</b></p> <p>Le Quynh Anh [Band 2] of Vision &amp; 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 style="text-align: center;"><b><u>TMT:</u></b></p> <p style="text-align: center;"><b>Band 3</b></p> <p><b>What the team is known for</b> 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><b>Work highlights</b> Assisted TriMas with advice regarding its online recruitment process.</p> <p><b>Significant clients</b> Electrolux, Motorola, Expedia, Pfizer, Microsoft.</p> <p><b>Notable practitioners</b> A key contact is Luu Tien Ngoc, who leads the office’s TMT practice.</p>
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# Nhãn Hiệu Hàng Hóa

**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*

**Tài sản trí tuệ không chỉ đơn thuần là sáng chế, kiểu dáng công nghiệp, nhãn hiệu hay quyền tác giả, đó còn là nền tảng để xây dựng và thiết lập nên những tài sản thiết yếu và cơ bản khác trong mọi lĩnh vực kinh doanh. Việc một công ty xác định, đăng ký và bảo hộ những thành quả sáng tạo của mình như thế nào là vấn đề mang tính chiến lược trong thị trường ngày nay, không chỉ ở Việt Nam mà còn trên một phạm vi rộng lớn hơn, nhằm tạo và duy trì tính cạnh tranh của công ty mình. Chúng tôi hiểu rõ điều này và có thể giúp khách hàng đăng ký, bảo hộ và sử dụng hữu hiệu các tài sản trí tuệ.**

**Nguồn nhân lực**

Chúng tôi có một đội ngũ luật sư nhãn hiệu giàu kinh nghiệm và kiến thức, không chỉ trong lĩnh vực luật nhãn hiệu và sở hữu

trí tuệ của Việt Nam mà còn đi với các luật và quy định quốc tế điều chỉnh việc nộp đơn và thực thi quyền nhãn hiệu trên toàn cầu. Với đội ngũ này, chúng tôi có thể hỗ trợ khách hàng trong việc thiết lập, duy trì và thực thi quyền nhãn hiệu không chỉ ở Việt Nam, mà còn từ Việt Nam mở rộng tới phạm vi khu vực. Chúng tôi cung cấp các tư vấn mang tính thực tiễn, có chất lượng cao cũng như các dịch vụ khác cần thiết trong suốt quá trình đăng ký. Không chỉ thu tiền tụy là thông tin lại các vấn đề phát sinh và hậu quả, chúng tôi còn cung cấp cho khách hàng các giải pháp. Trên hết, đội ngũ của chúng tôi được coi là sự lựa chọn hàng đầu trong lĩnh vực bảo hộ quyền nhãn hiệu tại Việt Nam.

## **Dịch vụ**

Nhãn hiệu ngày càng trở nên quan trọng và có giá trị trong số các tài sản trí tuệ giữa bối cảnh thị trường đang trở thành thị trường của những thương hiệu mạnh. Chúng tôi cung cấp những tư vấn mang tính thực tiễn, sáng tạo và luôn hướng tới thị trường nhằm hỗ trợ khách hàng trong việc bảo hộ và quản lý một cách chiến lược quyền nhãn hiệu của quý khách. Các dịch vụ của chúng tôi trong lĩnh vực này bao gồm:

- Tư vấn về việc lựa chọn và tính phù hợp của các nhãn hiệu cho mục đích đăng ký;
- Phân loại nhãn hiệu;
- Tra cứu nhãn hiệu trước khi nộp đơn;
- Tư vấn về khả năng đăng ký;
- Nộp và theo dõi đơn cho tới khi nhãn hiệu được đăng ký;
- Phân giải đơn nhãn hiệu;
- Tư vấn về việc sử dụng hợp lý nhãn hiệu trên bao bì, nhãn hàng hóa, quảng cáo hàng hóa dưới hình thức in phôi hoặc các phương tiện truyền thông điện tử;
- Theo dõi và gia hạn đăng ký nhãn hiệu;
- Tư vấn về quyền đi với tên thương mại, biểu tượng thương mại, passing-off, cạnh tranh không lành mạnh, và quyền đạt được thông qua sử dụng của những nhãn hiệu không đăng ký;

- Thương lượng và soạn thảo hợp đồng chuyển nhượng hoặc nhượng quyền nhãn hiệu;
- Đăng ký hợp đồng sử dụng hoặc hợp đồng nhượng; và
- Thực thi quyền nhãn hiệu

## **Khách hàng**

Khách hàng của chúng tôi trong lĩnh vực này không chỉ bao gồm các khách hàng trong nước như HTV, PEB, Sotatco, v.v.. mà còn các công ty đa quốc gia như Lacoste, HP, Parfums Christian Dior, Boeing, P&G, Mead Johnson, GE, Warner Bros., v.v..