

# Legal news

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## LAW ON INTELLECTUAL PRORERTY

### Patent Prosecution Collaboration: A Must Do for Vietnam?

*By Nguyen Nguyet Dzung*

Pending patent applications are those, at one point in time, which have been filed with a certain patent office but not yet examined. Although there have not been any clear statistics, the backlog of unexamined patent applications at many patent offices is huge. According to Wikipedia, the backlog was said to be 4.2 million worldwide in 2007, and, as of 2009, it reportedly continues to grow. Alone, the United States Patent and Trademark Office (USPTO) is reported to have, as of 2009, a backlog of more than 700,000 patent applications.

As another example, the National Office of Intellectual Property of Vietnam (NOIP) has been reported, as of 2010, to have 70% of the total filed applications being pending and unexamined (2010 Annual Report, NOIP). That is, only 30% of the applications filed were granted patents. Delay in patent prosecution and examination is one of the greatest problems with the Vietnam patent system that may cause negative effects on the innovation process. More than that, such a holdup might adversely influence the examination quality: the more patent applications got stuck at the examiners' desks, the less time the NOIP's examiners will have to review patent applications. It is not far from the truth that the holdup of patent applications might be regarded as counter-productive to patent applicants.

Being understaffed is one of the reasons that make the examination of patent applications at the NOIP so prolonged. Though the NOIP has already expanded its patent examiner team recently but it would take years to clear the backlog of pending patent applications, accumulated at the NOIP for such a long time. The NOIP desperately needs additional examiners and probably more efficient electronic search systems. However, in addition to improving their personnel resource, it is believed that one less time-consuming and more efficient way to clear the pending patent application holdup is to take into account the patent prosecution cooperation between various patent offices, so-called the patent prosecution highway.

The Patent Prosecution Highway (PPH) is a set of initiatives for providing accelerated patent prosecution procedures by sharing searching and examination information and results between certain patent offices. It allows each partnering patent office to benefit from the search and examination works already carried out by the other partnering patent office, thereby avoiding the duplication of search and examination workload and ultimately reducing the patent backlog and improving patent quality. The PPH can be established between two patent offices (bilateral PPH), three patent offices (trilateral PPH), or more (multilateral PPH).

In the globalization context of economy, it is widely common that many legal entities and individual applicants need to acquire patent protection for the same invention in different countries. In order to do that, it may require to file separate patent applications to different patent offices, each of those will, in turn, independently review and examine the patent applications at their own office. As a result, it might

take forever to obtain patents from various patent offices because of the backlog of pending patent applications at each office and the complicated examination proceedings as well. The advent of international collaboration with other patent offices to enable each partnering office to exploit relevant work already conducted by another office has led to PPH agreements between various countries being taken into consideration and become more and more popular all over the world now. The procedure can provide patent applicants with granted patent(s) for their invention much sooner than would normally be possible.

The bilateral pilot PPH program started in July 2006 between the USPTO and Japan Patent Office (JPO) was the earliest PPH. Under that program, an applicant receiving a ruling from the Japan Patent Office (JPO) that at least one claim in an application is patentable may request that the USPTO fast track the examination of corresponding claims in corresponding applications. In a same vein, an applicant receiving a ruling from the USPTO that at least one claim in an application is patentable may request that the JPO fast track the examination of corresponding claims in corresponding applications. At the USPTO, once the PPH request is filed, the PPH request is generally decided within 2 months from the filing of the PPH request. If the PPH request is granted, the examiner will generally examine the application within 2 to 3 months from the grant of the PPH request provided the application has completed all its pre-exam processing and is ready for examination (USPTO link). The PPH has been agreed to leverage fast-track patent examination procedures already available in both offices to allow applicants in both countries to obtain corresponding patents faster and more efficiently.

According to the World Intellectual Property Office (WIPO), the pilot program of Patent Cooperation Treaty/Patent Prosecution Highway (PCT/PPH) was also started on 29 January 2010 for a pilot period of two years. This program has been designed to allow expedited patent examination procedures for PCT applications that have received a positive written opinion from either the International Searching Authority or the International Preliminary Examining Authority, or an international preliminary examination report issued by either the European Patent Office (EPO), JPO or the USPTO. That is, the work products which patent examiners of participating patent offices can make use of and/or rely on when conducting a fast-track examination procedure in accordance with bilateral agreements can include positive results of the written opinion of the International Searching Authority, the written opinion of the International Preliminary Examining Authority or the international preliminary examination report issued within the framework of the PCT. Under this PCT-PPH procedure, applicants may even obtain patents more quickly before participating offices.

In the practice before the NOIP, although the number of applications for inventions, filed with the NOIP considerably increased annually, the speed of handling applications was not proportionate to such growth rate. The time period for the handling of IP applications still remains too long and the backlog of applications is still huge. Over the seven year period 2004-2010, the NOIP could grant only 700 patents more or less every year. In 2010, the proportion of granted patents accounts for just over 20% of the number of patent applications filed with the NOIP. As we discussed above, being understaffed is one of the reasons that makes the examination of patent applications at the NOIP so prolonged. However, it is worth to note that the

patent applications filed with the NOIP have mainly originated from foreign countries (incoming applications). Though the domestic patent applications increase over time, until recently it accounts for about 10% of the total applications filed only. The patent applications coming from the US, Japan, and European countries account for more than 65% of the total applications filed with the NOIP. The overall picture of patent filings and prosecution at the NOIP raise the question why the NOIP has not involved in any international patent prosecution cooperation like any bilateral PPH or even more effective PCT-PPH with some competent patent offices such as USPTO, EPO, or JPO. If the NOIP had ever signed a PPH with the JPO or USPTO, an applicant receiving a ruling from the Japan Patent Office (JPO) or the USPTO that at least one claim in an application is patentable may request the NOIP fast track the examination of corresponding claims in corresponding Vietnamese applications. As a matter of fact, the duplication of search and examination workload shall be eliminated, patent applicants may obtain Vietnamese patents more quickly, and ultimately the patent backlog at the NOIP shall be significantly reduced.

Alternatively, while considering to enter any bilateral PPH agreement may take time, should the NOIP consider the alternative approach to clear the patent application backlog thereat: to allow expedited patent examination procedures for PCT-derived Vietnamese applications that have received a positive written opinion from either the International Searching Authority (ISA) or the International Preliminary Examining Authority (IPEA), or positive international preliminary examination report (IPER) issued by either the EPO, JPO or the USPTO. That is, should the NOIP's examiners grant Vietnamese patents for PCT-derived Vietnamese applications which have received positive written opinions and/or IPERs provided they have appropriately amended to comply with Vietnam patent law and regulations? If it had ever done that way, certain burdensome search and examination workload shall not need to be carried out by the NOIP's examiners. More than ever, Vietnam patent system should seriously take advantage of any available international resource in patent prosecution in the coming months and years./.

## Other Sectors

### Finance

- On 14 December 2011, the Government stipulated Decree No. 115/2011/ND-CP amending and supplementing Point 2, Section IV, Part B of the detailed list of charges and fees accompanying Decree No. 24/2006/ND-CP dated 6 March 2006.
- Decision No. 2453/QD-TTg dated 27 December 2011 of the Prime Minister approving the project on promoting non-cash payments in Vietnam for the period from 2011 to 2015.
- On 20 December 2011, the Prime Minister issued Decision No. 71/2011/QD-TTg on ensuring and supporting expenditures funded by the State budget for the particular associations.
- Decision No. 3074/QD-BTC dated 20 December 2011 of the Ministry of Finance on the establishment of the Task Force implementing the tasks related to the national trust rating activities.
- On 9 December 2011, the People's Committee of Hanoi stipulated Decision No.36/2011/QD-UBND promulgating the regulations of Hanoi on the management and use of foreign non-governmental aids.
- Decision No. 2195/QD-TTg dated 6 December 2011 of the Prime Minister approving the project on construction and development of micro-financial system in Vietnam upto 2020.
- On 6 December 2011, the Ministry of Finance issued Decision No. 2944/QD-BTC approving the project on “Reinforcing and strengthening the capacity of legislation organizations in the financial sector to meet the requirements of new missions as prescribed in Decree No. 55/2011/ND-CP”.
- Circular No. 192/2011/TT-BTC dated 26 December 2011 of the Ministry of Finance on the amendment and supplement to a number of articles of Circular No.219/2009/TT-BTC dated 19 November 2009 of the Ministry of Finance providing for a number of expenditure norms applicable to the projects/programs funded by official development assistance (ODA) capital.
- On 23 December 2011, the Ministry of Finance stipulated Circular No.193/2011/TT-BTC providing guidelines for the financial management and reimbursement applicable to programs and projects funded by the OPEC Fund for International Development (OFID).
- Circular No. 187/2011/TT-BTC dated 19 December 2011 of the Ministry of Finance on norms for fees for input and output of national reserve materials,

equipments at the door of National Reserve stocks directly managed by the General Department of State Reserves.

- On 19 December 2011, the Ministry of Finance issued Circular No.186/2011/TT-BTC providing for the norms of fees for input and output of national reserved foods at the door of State Reserve stocks directly managed by the General Department of State Reserves.
- Circular No. 185/2011/TT-BTC dated 19 December 2011 of the Ministry of Finance providing for the norms of fees for preservation of national reserved foods, materials and equipment directly managed by the General Department of State Reserves.
- On 16 December 2011, the Ministry of Finance stipulated Circular No.183/2011/TT-BTC providing guidelines for the establishment and management of Open Fund issued by the Ministry of Finance.
- Circular No. 177/2011/TT-BTC dated 6 December 2011 of the Ministry of Finance providing for the implementation of the State budget's estimate for 2012.

### Banking

- On 30 December 2011, the State Bank of Vietnam issued Circular No.45/2011/TT-NHNN providing for the foreign exchange control applicable to the offshore lending and collection of offshore debts by the credit institutions.
- Circular No. 44/2011/TT-NHNN dated 29 December 2011 of the State Bank of Vietnam providing for the internal inspection and internal audit system of the credit institutions and foreign banks' branches.
- On 20 December 2011, the State Bank of Vietnam stipulated Circular No.43/2011/TT-NHNN providing for the preservation period of stored dossiers and documents in the banking sector.
- Circular No. 42/2011/TT-NHNN dated 15 December 2011 of the State Bank of Vietnam providing for the grant of syndicated loans by credit institutions to customers.
- On 15 December 2011, the State Bank of Vietnam issued Circular No.41/2011/TT-NHNN providing guidelines for the identification and updating of customers' information based on risks for the prevention and combat of money laundering.
- Circular No. 40/2011/TT-NHNN dated 15 December 2011 of the State Bank of Vietnam providing for the licensing, organization and operations of commercial banks, branches of foreign banks, representatives office of foreign credit institutions, and other foreign organizations conducting banking activities in Vietnam.

- On 15 December 2011, the State Bank of Vietnam stipulated Circular No.39/2011/TT-NHNN providing for the independent audit with respect to foreign credit institutions and branches of foreign banks.
- Circular No. 38/2011/TT-NHNN dated 13 December 2011 of the State Bank of Vietnam on the amendment of and supplement to a number of articles of Circular No.13/2009/TT-NHNN dated 13 July 2009 providing for the order of and procedures for elaborating and promulgating legal documents of the State Bank of Vietnam.
- On 12 December 2011, the State Bank of Vietnam issued Circular No.37/2011/TT-NHNN amending and supplementing a number of articles of Circular No. 17/2011/TT-NHNN dated 18 August 2011 providing for the State Bank of Vietnam's grant of loans secured by the mortgage of valuable papers to credit institutions.

### Taxation

- Decree No. 113/2011/ND-CP dated 8 December 2011 on the amendment of and supplement to a number of articles of Decree No. 26/2009/ND-CP dated 16 March 2009 detailing the implementation of a number of articles of the Law on Special Sales Tax.
- On 28 December 2011, the Ministry of Finance stipulated Circular No.197/2011/TT-BTC providing guidelines for the implementation of preferential import tax rates applicable to items of heading 2710 in the Preferential Import Tariff.
- Circular No. 44/2011/TT-BCT dated 26 December 2011 of the Ministry of Industry and Trade on the import under quotas in 2012 with the tax rate of 0% applicable to goods having origin from the Lao People's Democratic Republic.
- On 8 December 2011, the Ministry of Finance issued Circular No.178/2011/TT-BTC providing guidelines for the making out, issuance, use and management of receipts of collecting taxes and customs charges applicable to goods exported and imported by the enterprises doing business in the courier services via international air-freight.

### Trade

- Decree No. 123/2011/ND-CP dated 28 December 2011 detailing and providing guidelines for the implementation of a number of articles of Law on amendment of and supplement to a number of articles of Law on Insurance Business and amendment of and supplement to a number of articles of Decree No.45/2007/ND-CP dated 27 March 2007 detailing the implementation of a number of articles of Law on Insurance Business.

- On 16 December 2011, the Government stipulated Decree No. 120/2011/ND-CP amending and supplementing the administrative procedures stipulated in a number of decrees detailing the Commercial Law.
- Decree No. 119/2011/ND-CP dated 16 December 2011 on the amendment and supplement to the administrative procedures stipulated in Decree No.116/2005/ND-CP dated 15 September 2005 detailing the implementation of a number of articles of Law on Competition.
- On 16 December 2011, the Government issued Decree No. 118/2011/ND-CP amending and supplementing the administrative procedures in the field of trade in gasoline, oils and liquefied petroleum gas.
- Decision No. 2471/QD-TTg dated 28 December 2011 of the Prime Minister approving the strategy of importing and exporting goods for the period from 2011 to 2020, with orientation to 2030.
- On 15 December 2011, the People's Committee of Hanoi stipulated Decision No.5816/QD-UBND promulgating the Regulation on operations of the Steering Committee and the standing agency of Hanoi against smuggling, counterfeit goods and trade frauds.
- Decision No. 2638/QD-TCHQ dated 14 December 2011 of the General Department of Vietnam Customs announcing the list of decisions of the General Director of General Department of Vietnam Customs promulgating processes and regulations issued under the authority, which have been expired.
- On 13 December 2011, the Prime Minister issued Decision No. 69/2011/QD-TTg promulgating the Regulation on operation of Dinh Vu - Cat Hai Economic Zone, Hai Phong City.
- Decision No. 37/2011/QD-UBND dated 13 December 2011 of the People's Committee of Hanoi promulgating the Regulations on responsibilities and coordinative relationship between the State management authorities in the field of prevention and combat of smuggling, counterfeit goods and trade frauds in the area of Hanoi.
- On 7 December 2011, the Ministry of Finance stipulated Decision No. 2979/QD-BTC amending Decision No. 211/QD-BTC dated 27 January 2010 of the Minister of Finance issuing specimen stamps and regulations on printing, issuance, management and use of tobacco stamps being domestically produced and printed with multi-dimensional bar-code.
- Circular No. 45/2011/TT-BCT dated 30 December 2011 of the Ministry of Industry and Trade on the amendment of and supplement to a number of articles of Circular No. 18/2010/TT-BCT dated 15 October 2010 of the Ministry of Industry and Trade providing for the operation of competitive electricity generation market.



- On 20 December 2011, the Ministry of Finance issued Circular No.190/2011/TT-BTC providing for the standard forms of declarations, annexes of declarations of non-commercial imported and exported goods and the regime on printing, issuance, management, use of declarations and annexes of declarations of non-commercial imported and exported goods.
- Circular No. 42/2011/TT-BCT dated 19 December 2011 of the Ministry of Industry and Trade providing for the electricity selling prices and guidelines on the implementation.
- On 8 December 2011, the Ministry of Finance stipulated Circular No.179/2011/TT-BTC providing guidelines for the settlement of goods, which are abandoned, lost, confused, or in excess the time-limit for customs declaration at ports without receiver as stipulated in Article 45 of Law on Customs and other unreceived goods.

### Labour

- Decree No. 116/2011/ND-CP dated 14 December 2011 amending and supplementing a number of articles of Decree No. 94/2008/ND-CP dated 22 August 2008 providing for the functions, tasks, powers and organizational structure of Vietnam Social Insurance.
- On 14 December 2011, the Vietnam General Confederation of Labour issued Decision No. 1439/QD-TLD promulgating the Regulations on the allowance regime applicable to trade union officers.
- Circular No. 41/2011/TT-BLDTBXH dated 28 December 2011 of the Ministry of Labour, War Invalids and Social Affairs on the amendment of and supplement to a number of articles of Circular No. 37/2005/TT-BLDTBXH dated 29 December 2005 of the Ministry of Labour, War Invalids and Social Affairs providing guidelines for the training of occupational safety and occupational health.
- On 30 November 2011, the Ministry of Health stipulated Circular No.42/2011/TT-BYT supplementing the occupational Cadmium poisoning disease and occupational diseases caused by vibrating body, infected with HIV by accident of occupational risks to the list of occupational diseases, which are insured and providing guidelines for the criteria of diagnostics and test.

### Education

- Decree No. 125/2011/ND-CP dated 30 December 2011 providing for the schools of the State agencies, political organizations, socio - political organizations, and the people's armed forces.
- On 13 December 2011, the Ministry of Education and Training issued Decision No. 6290/QD-BGDDT approving the program on development of pedagogical line and pedagogical schools from 2011 up to 2020.

- Inter-ministerial Circular No. 65/2011/TTLT-BGDDT-BTC-BKHDT dated 22 December 2011 of the Ministry of Education and Training, the Ministry of Finance, and the Ministry of Planning and Investment providing guidelines for the implementation of Decision No. 85/2010/QD-TTg dated 21 December 2010 of the Prime Minister promulgating a number of policies on supporting half-boarding students and ethnic half-boarding schools.
- On 21 December 2011, the Ministry of Labour, War Invalids and Social Affairs stipulated Circular No. 38/2011/TT-BLDTBXH providing for the frame program of vocational intermediate-level syllabus and the frame program of vocational junior-college syllabus for a number of occupations under occupation groups: Producing and processing - Technology and technics - Computer and information technology - Transport service - Hospitality, tourism, sports and personal services.
- Circular No. 36/2011/TT-BLDTBXH dated 16 December 2011 of the Ministry of Labour, War Invalids and Social Affairs promulgating the sample of vocational pedagogical certificate and the sample of duplicated copy, and providing for the management and issuance of vocational pedagogical certificates for vocational training at intermediate and junior-college levels.
- On 15 December 2011, the Ministry of Defence issued Circular No.214/2011/TT-BQP promulgating the norm of training costs with respect to a numbers of occupations under 3 levels for apprentices who are soldiers returning from military service.
- Circular No. 63/2011/TT-BGDDT dated 15 December 2011 of the Ministry of Education and Training promulgating the professional intermediate-level frame program of Biotechnology branch.
- On 15 December 2011, the Ministry of Education and Training stipulated Circular No. 62/2011/TT-BGDDT promulgating the professional intermediate-level frame program of Agricultural and forestry expansion encouragement branch.
- Circular No. 61/2011/TT-BGDDT dated 15 December 2011 of the Ministry of Education and Training promulgating the professional intermediate-level frame program of group of branches: Transport exploitation.
- On 15 December 2011, the Ministry of Education and Training issued Circular No. 60/2011/TT-BGDDT promulgating the professional intermediate-level frame program of group of branches: Producing and manufacturing textile, cloth, shoes and leather; Manufacturing foods, foodstuff and beverages.
- Circular No. 59/2011/TT-BGDDT dated 15 December 2011 of the Ministry of Education and Training promulgating the professional intermediate-level frame program of groups of branches: Chemicals, material, metallurgical and environment technology; Geological, geophysics and geodesics technology;

Electric, electronic and telecommunications technical technology; Mechanic technical technology; and Architecture and construction technical technology.

- On 12 December 2011, the Ministry of Education and Training stipulated Circular No. 58/2011/TT-BGDĐT promulgating the Regulation on assessment and classification of secondary and high schools' students.
- Circular No. 57/2011/TT-BGDĐT dated 2 December 2011 of the Ministry of Education and Training providing for the determination of enrollment norms at doctorate, master, bachelor, and professional junior-college and intermediate levels.

### Health

- On 28 December 2011, the Prime Minister issued Decision No. 73/2011/QĐ-TTg providing for a number of characteristic allowance regimes with respect to public officials, public servants and employees in public health establishments and anti-epidemic allowance regime.
- Circular No. 44/2011/TT-BYT dated 6 December 2011 of the Ministry of Health promulgating the list of products and goods capable of causing unsafety within the assigned management scope of the Ministry of Health.
- On 5 November 2011, the Ministry of Health stipulated Circular No.43/2011/TT-BYT providing for the management regime of the medical wastes of infectious diseases.

### Transport

- Decree No. 110/2011/NĐ-CP dated 5 December 2011 on the management of the lease and purchase activities of aircrafts, engines, spare parts, materials, and services of maintaining and repairing aircraft, engines, spare parts and materials of aircrafts.
- On 13 December 2011, the Prime Minister issued Decision No. 2223/QĐ-TTg approving the Planning on development of Vietnam's system of inland depots upto 2020, with orientation to 2030.
- Decision No. 2967/QĐ-BTC dated 6 December 2011 of the Ministry of Finance on the maximum level of passenger transportation price for economic class tickets applicable to the domestic flight lines where the monopoly position still exists.
- On 2 December 2011, the Ministry of Transport stipulated Decision No.2756/QĐ-BGTVT promulgating the administrative procedures within the scope of the Ministry of Transport's management function.
- Circular No. 64/2011/TT-BGTVT dated 26 December 2011 of the Ministry of Transport providing for the measures for economized and effect use of energy in transport activities.

- On 22 December 2011, the Ministry of Transport issued Circular No.63/2011/TT-BGTVT promulgating the list of products and goods capable of causing unsafety under the State management responsibility of the Ministry of Transport.
- Circular No. 62/2011/TT-BGTVT dated 21 December 2011 of the Ministry of Transport providing for the issuance of licenses to the flights conducting civil flight activities in Vietnam.
- On 21 December 2011, the Ministry of Transport stipulated Circular No.61/2011/TT-BGTVT on the aviation personnel, establishments educating and training professional skills of aviation personnel, and grounds for evaluating the English level of aviation personnel.
- Circular No. 60/2011/TT-BGTVT dated 12 December 2011 of the Ministry of Transport promulgating “Economic-technical norms for repair of special-used means of transport in the inland waterway management and maintenance work”.
- On 5 November 2011, the Ministry of Transport issued Circular No. 59/2011/TT-BGTVT amending a number of articles of Circular No. 20/2010/TT-BGTVT dated 30 July 2010 of the Minister of Transport providing for the grant, renewal and revocation of registrations and number plates of special-used machines and vehicles participating in the land road traffic.

## Construction

- Decision No. 2424/QD-TTg dated 21 December 2011 of the Prime Minister approving the task of general planning on construction of Cha Lo border-gate economic zone, Quang Binh Province upto 2030.
- On 21 December 2011, the Prime Minister stipulated Decision No. 2423/QD-TTg approving the general planning on construction of Da Nang hi-tech zone at 1/5,000 scale.
- Decision No. 1062/QD-BXD dated 19 December 2011 of the Ministry of Construction promulgating a number of newly-issued administrative procedures within the scope of the Ministry of Construction’s management function.
- On 19 December 2011, the Ministry of Agriculture and Rural Development issued Decision No. 3125/QD-BNN-KHCN amending Article 2 of Decision No.2977/QD-BNN-KHCN dated 5 December 2011 of the Ministry of Agriculture and Rural Development on the establishment of the advisory Council for assessment of technical standards in service of survey and design works for projects on investment in construction works belonging to Planning on irrigation against flooding in the area of Ho Chi Minh City.

- Decision No. 5838/QD-UBND dated 16 December 2011 of the People's Committee of Hanoi approving the differential unit prices paid for public use products and services in the area of Hanoi in 2011.
- On 14 December 2011, the Ministry of Construction stipulated Decision No.1052/QD-BXD promulgating the new administrative procedures; the amendment and supplement to and revocation of administrative procedures within the scope of the Ministry of Construction's State management function.
- Decision No. 1050/QD-BXD dated 14 December 2011 of the Ministry of Construction assigning the works of the Minister and the Deputy Ministers of the Ministry of Construction.
- On 12 December 2011, the Ministry of Agriculture and Rural Development issued Circular No. 84/2011/TT-BNNPTNT providing for a number of contents on the management of projects on investment in construction works funded by the State budget, which are under the management of the Ministry of Agriculture and Rural Development.
- Circular No. 176/2011/TT-BTC dated 6 December 2011 of the Ministry of Finance providing guidelines for the regime on collection, payment and using management of fees for assessment and appraisal of construction investment projects.

### Land

- On 12 December 2011, the People's Committee of Hanoi stipulated Decision No.5770/QD-UBND temporarily providing for the costs of organizing the auction of land use rights for land allocation or land lease in the area of Hanoi.
- Decision No. 77/2011/QD-UBND dated 5 December 2011 of the People's Committee of Ho Chi Minh City on the dissolution of the City council for auction of land use rights and the district councils for auction of land use rights, and the regulations on transition settlement with regard to the auctioned land.

### Natural Resources - Environment

- On 28 December 2011, the Government issued Decree No. 124/2011/ND-CP amending and supplementing a number of articles of Decree No. 117/2007/ND-CP dated 11 July 2007 on the production, supply and consumption of clean water.
- Decision No. 2427/QD-TTg dated 27 December 2011 of the Prime Minister approving the Strategy for mineral resources upto 2020, with orientation to 2030.
- On 5 December 2011, the Prime Minister stipulated Decision No. 2139/QD-TTg approving the national strategy for climate change.

- Circular No. 47/2011/TT-BTNMT dated 28 December 2011 of the Ministry of Natural Resources and Environment providing for the national technical codes on environment.
- On 26 December 2011, the Ministry of Natural Resources and Environment issued Circular No. 44/2011/TT-BTNMT providing for the national technical codes on environment.
- Circular No. 195/2011/TT-BTC dated 26 December 2011 of the Ministry of Finance providing guidelines for the regime on collection, payment, management and use of fees for testing exhaust fumes with respect to land road motorized means of transportations, which are produced, assembled and imported.
- On 12 December 2011, the Ministry of Natural Resources and Environment stipulated Circular No. 43/2011/TT-BTNMT providing for the national technical codes on environment.
- Circular No. 42/2011/TT-BTNMT dated 12 December 2011 of the Ministry of Natural Resources and Environment providing for the technical process and economic-technical norm on environment documentation.

## Science - Technology

- On 26 December 2011, the Prime Minister issued Decision No. 2449/QĐ-TTg on the establishment of the State Steering Committee on National planning on development of electricity.
- Decision No. 38/2011/QĐ-UBND dated 15 December 2011 of the People's Committee of Hanoi providing for the Regulations on Management of implementing the planning on development of electricity in the area of Hanoi.
- On 12 December 2011, the Prime Minister stipulated Decision No. 68/2011/QĐ-TTg promulgating the List of energy saving means and equipment, which are equipped or purchased for agencies and units funded by the State budget.
- Circular No. 41/2011/TT-BCT dated 16 December 2011 of the Ministry of Industry and Trade providing for the safety management in the field of liquefied petroleum gas.
- On 12 December 2011, the Ministry of Public Security issued Circular No.79/2011/TT-BCA providing for the national technical code on State reserve of technical and professional materials and equipment managed by the Ministry of Public Security.
- Circular No. 78/2011/TT-BCA dated 12 December 2011 of the Ministry of Public Security on the national technical code on State reserve of weapons, explosives and support tools managed by the Ministry of Public Security.
- On 12 December 2011, the Ministry of Public Security stipulated Circular No.77/2011/TT-BCA on the national technical code on State reserve of land road

means of transport and specialized vehicles managed by the Ministry of Public Security.

- Circular No. 33/2011/TT-BKHCHN dated 9 December 2011 of the Ministry of Science and Technology providing guidelines for the authority, order and procedures for certifying enterprises newly established from investment projects on producing products within the List of high-tech products encouraged to be developed.

### **Information - Communications**

- On 22 December 2011, the Prime Minister issued Decision No. 72/2011/QD-TTg amending and supplementing a number of articles of Decision No.65/2008/QD-TTg dated 22 May 2008 of the Prime Minister on the supply of public-use postal services.
- Circular No. 35/2011/TT-BTTTT dated 6 December 2011 of the Ministry of Information and Communications cancelling the branch standards of electronic, telecommunications and information technology sectors.

### **Administration - Judiciary**

- On 15 December 2011, the Government stipulated Decree No. 117/2011/ND-CP providing for the organization of managing inmates and the regime on foods, clothing, living, subsistence, and medical care with regard to inmates.
- Decree No. 114/2011/ND-CP dated 13 December 2011 providing for the standard forms in sanctioning administrative violations by the border guard and marine police.
- On 5 December 2011, the Government issued Decree No. 112/2011/ND-CP on public officials at commune, ward and town level.
- Decree No. 111/2011/ND-CP dated 5 December 2011 on the consular certification and consular legalization.
- On 16 December 2011, the People's Committee of Ho Chi Minh City stipulated Decision No. 80/2011/QD-UBND promulgating the Regulation on receiving and handling reflections and petitions of individuals and organizations on administrative regulations in Ho Chi Minh City.
- Decision No. 79/2011/QD-UBND dated 13 December 2011 of the People's Committee of Ho Chi Minh City promulgating the regulations on control of administrative procedures in the area of Ho Chi Minh City.
- On 12 December 2011, the Ministry of Justice issued Decision No. 4425/QD-BTP announcing the administrative procedures newly issued in the field of adoption within the scope of the Ministry of Justice's management function.
- Decision No. 1953/QD-BNV dated 8 December 2011 of the Ministry of Home Affairs on initiating the pilot implementation of the set of tracking and assessing

indicators with respect to administrative reformation in a number of provinces and centrally-run cities.

- On 27 December 2011, the Ministry of Justice stipulated Circular No.25/2011/TT-BTP on the formalities and techniques for presenting legal documents of the Government, the Prime Minister, the Ministers, the Heads of ministerial-level agencies and joint legal documents.
- Inter-ministerial Circular No. 184/2011/TTLT-BTC-BTP dated 19 December 2011 of the Ministry of Finance and the Ministry of Justice providing guidelines for the financial management regime with regard to fees for organizing the enforcement of civil judgments.
- On 15 December 2011, the Ministry of Justice and the Ministry of Defense jointly issued Inter-ministerial Circular No. 24/2011/TTLT-BTP-BQP providing guidelines for the implementation of the State's compensation liability in activities of civil judgements enforcement.
- Circular No. 182/2011/TT-BTC dated 15 December 2011 of the Ministry of Finance providing for the collection rates and the regime on collection, payment, management and use of judicial assessment charges in the field of mental forensics.
- On 15 December 2011, the Ministry of Public Security stipulated Circular No.81/2011/TT-BCA providing for the standard forms used in residence registration and management.
- Circular No. 80/2011/TT-BCA dated 15 December 2011 of the Ministry of Public Security providing for the residence registration process.
- On 8 December 2011, the Ministry of Justice and the Ministry of Home Affairs jointly issued Inter-ministerial Circular No. 23/2011/TTLT-BTP-BNV providing guidelines for the implementation of rank transfers and salary arrangements with respect to the legal aid experts.
- Circular No. 174/2011/TT-BTC dated 2 December 2011 of the Ministry of Finance providing guidelines for the regime on collection, payment, management and use of fees for issuance of Judicial records.
- On 2 December 2011, the Ministry of Justice stipulated Circular No.22/2011/TT-BTP providing guidelines for the implementation of a number of procedures in the field of administrative management of civil judgements enforcement.

## Agriculture

- Decision No. 3124/QD-BNN-KHCN dated 19 December 2011 of the Ministry of Agriculture and Rural Development approving the List of programs and projects on Central agricultural promotion for the period from 2012 to 2015.



- On 14 December 2011, the Ministry of Agriculture and Rural Development issued Decision No. 3091/QD-BNN-TT on the grant of patents for protection of new plant varieties.
- Decision No. 70/2011/QD-TTg dated 13 December 2011 of the Prime Minister providing for a number of mechanisms and policies on agricultural cooperation with countries in Africa for the period from 2012 to 2020.
- On 2 December 2011, the Prime Minister stipulated Decision No. 65/2011/QD-TTg on the amendment of and supplement to a number of articles of Decision No.63/2010/QD-TTg dated 15 October 2010 of the Prime Minister on support policy for decreasing postharvest losses with respect to agricultural and aquatic products.
- Decision No. 2949/QD-BNN-DMDN dated 1 December 2011 of the Ministry of Agriculture and Rural Development providing for the establishment, appraisal and approval of production and business plans of enterprises directly under this Ministry.
- On 27 December 2011, the Ministry of Agriculture and Rural Development issued Circular No. 87/2011/TT-BNNPTNT amending and supplementing Article 20 of Circular No. 79/2011/TT-BNNPTNT dated 14 November 2011 of the Minister of Agriculture and Rural Development providing for the certification and publication of plant varieties' quality in accordance with technical codes.
- Circular No. 86/2011/TT-BNNPTNT dated 16 December 2011 of the Ministry of Agriculture and Rural Development promulgating the additional list of fertilizers allowed for production, trade and use in Vietnam.
- On 14 December 2011, the Ministry of Agriculture and Rural Development stipulated Circular No. 85/2011/TT-BNNPTNT on the amendment of and supplement to a number of articles of Decision No. 89/2007/QD-BNN dated 1 November 2007 providing for the State management of disinfect steam activities with respect to objects subject to plant quarantine and Decision No. 97/2008/QD-BNN dated 6 October 2008 providing for the issuance of practicing certificate of production, processing, bottling and packing of, and trading in plant protection drugs of the Ministry of Agriculture and Rural Development.
- Circular No. 180/2011/TT-BTC dated 14 December 2011 of the Ministry of Finance providing for the collection levels and the regime on collection, payment, management and use of fees and charges in the field of cultivation and forest plant varieties.
- On 12 December 2011, the Ministry of Agriculture and Rural Development issued Circular No. 84/2011/TT-BNNPTNT providing for a number of contents on the management of projects on investment in construction of works funded by the State budget, which are under the control the Ministry of Agriculture and Rural Development.

- Circular No. 83/2011/TT-BNNPTNT dated 9 December 2011 of the Ministry of Agriculture and Rural Development promulgating the List of aquatic diseases subject to epidemic announcement.
- On 8 December 2011, the Ministry of Agriculture and Rural Development stipulated Circular No. 82/2011/TT-BNNPTNT promulgating the "Additional list of plant varieties allowed for production and trade in Vietnam".
- Circular No. 81/2011/TT-BNNPTNT dated 1 January 2011 of the Ministry of Agriculture and Rural Development on the amendment of and supplement to Clause 1 of Article 36 of Circular No. 66/2011/TT-BNNPTNT dated 10 October 2011 of the Minister of Agriculture and Rural Development detailing a number of articles of Decree No. 08/2010/ND-CP dated 5 February 2010 on the management of breeding foodstuffs.

### Forestry

- On 9 December 2011, the Prime Minister issued Decision No. 66/2011/QD-TTg amending and supplementing a number of articles of Decision No.147/2007/QD-TTg dated 10 July 2007 on the policy on development of productive forests for the period from 2007 to 2015.
- Circular No. 172/2011/TT-BTC dated 1 December 2011 of the Ministry of Finance providing for the management, payment and finalization of capital for investment in construction of silvicultural works funded by the State budget.

### Miscellaneous

- On 2 December 2011, the Government stipulated Decree No. 109/2011/ND-CP on the amendment of and supplement to a number of articles of Decree No.47/2009/ND-CP dated 13 May 2009 on sanctioning administrative violations of copyright and related rights.
- Decision No. 2406/QD-TTg dated 18 December 2011 of the Prime Minister promulgating the List of national target programs for the period from 2012 to 2015.
- On 9 December 2011, the State Audit of Vietnam issued Decision No.03/2011/QD-KTNN promulgating the Regulation on hiring or entrusting audit enterprise to implement audit.
- Decision No. 375/QD-UBDT dated 6 December 2011 of the State Committee for Ethnic Minorities announcing the list of legal documents issued by the State Committee for Ethnic Minorities, which are expired.

## Contact Details

### Hanoi Head Office

Mr. Pham Nghiem Xuan Bac

*Managing Partner*

Mr. Luu Tien Ngoc

*Director, Business Development*

Mr. Pham Minh Hai

*Partner, Consulting Practice*

Ms. Le Quynh Anh

*Executive Partner, Legal Practice*

Ms. Le Thi Kim Dzung

*Partner, Intellectual Property Practice*

Unit 308-310, 3<sup>rd</sup> Floor, Hanoi Towers

49 Hai Ba Trung, Hanoi, Vietnam

Tel: 84-4-3934 0629/ 3826 4797 Fax: 84-4-3934 0631

E-mail: [vision@vision-associates.com](mailto:vision@vision-associates.com)

### Ho Chi Minh City Office

Mr. Luu Tien Ngoc

*Partner, HCMC office*

Mr. Geoffrey Hugh Sutherland

*Foreign Lawyer*

Unit 1801, 18<sup>th</sup> Floor, Saigon Trade Centre

37 Ton Duc Thang Street, District 1

Ho Chi Minh City, Vietnam.

Tel: 84-8-3823 6495 Fax: 84-8-3823 6496

E-mail: [hcmvision@vision-associates.com](mailto:hcmvision@vision-associates.com)

**[www.vision-associates.com](http://www.vision-associates.com)**