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Intellectual Property

Domain Name – The best way to promote enterprise

By Ho Tuong Vy

Internet, nowadays, is deemed as one of the largest and modern libraries. Just because whenever you wish to seek for any information in any fields, you simply access to Internet, type key words and many sources of relevant information will be searched and displayed at once. Presently, websites, namely “google.com”, “ebay.com” or “yahoo.com”, have been getting so popular to the Internet users in the world and thereby enriching their own value to an astonishing level. Even, sometimes, you recall such names more quickly than the names of your close friends. There is no denying that Internet benefits for humans are very visible.

Vietnam, though making friends with the Internet recently, is considered one of the development speed of internet system pioneers. According to the latest statistics in December, 2005 at <http://www.vnnic.net.vn>, the number of people using Internet in Vietnam is around 10,710,980; the total of allocated domain names “.vn” 14,345, and internet subscribers 2,906,422.

Being aware of the importance of the Internet resource, the Ministry of Post and Telematics (MPT) has issued, lately, Decision 27/2005/QĐ-BBCVT, dated August 11, 2005, providing guidelines on Internet resources Management and Usage (Decision 27) replacing Decision No.92/2003/QĐ-BBCVT on May 26, 2003. However, the understanding of people on the application of this Decision in respect of registration and supervision of domain names as well as the benefits brought by such registration is still little. This fact results in many noisy debates and controversies between authorities and applicants recently on should a domain name is register able or not? To help the future applicants have an insight on the matter, we would like to describe and comment on some main provisions, regarding the domain name registration and usage under Decision 27.

Types of Domain Names

As stipulated in Decision 27, a domain name (DN) is a name used to identify Internet address including the Top level DN, the second, third, fourth and fifth DNs.

In Vietnam, the highest level national DNs end with “.vn” and the highest level general DNs end with “.com”, “.net”. The next is generic second level DNs and geographical ones. Accordingly, generic second level DNs are Internet DNs categorized according to the field. For instance “com.vn” for organizations, enterprises and commercial individuals; “edu.vn” for education and training; “gov.vn” for agencies, central and local level State organizations. In contrast,

geographical second level DNs are Internet DNs as specified by names of provinces and cities at central level written in Vietnamese or Vietnamese without accent, such as “hoabinh.vn” or “hòabình.vn”; “quangtri.vn” or “quảngtrị.vn”.

It can be confirmed that a new point in this Decision is the official acknowledgement of DN registration in Vietnamese after a short-term trial. DN in Vietnamese may be either secondary DN under the highest level national DN “.vn”, or third level DN under geographical second level one in Vietnamese.

Principles of Domain Name Registration

In general, DN to be registered will be selected by individuals, organizations, agencies in conformity with their habits, ideas, or scope of business. In other words, the registered DN could be the abbreviations of a company name, or names of products/services as manufactured/supplied by the company (i.e. trademark), or proper names, as long as such DN shall not contain words or phrases violating national interests or social morality, and jeopardizing the national benefits, or violating social virtues, national habits and customs.

As promulgated, the registered DN shall consist of at least three characters but not more than sixty three, which could be the letters as from A to Z, or numbers from zero to nine, or even Vietnamese letters. The hyphen is allowed in the registered DN, but shall not be placed at the beginning or the end. In addition, the beginning of the range of characters like “xn--” is not allowed since it is only used in the internal management by Vietnam National Internet Center.

It is recommended that individuals and organizations should avoid selecting the DNs as regards geographic indication, famous person, father-figure or common names of economic industry, commodity, products, pharmaceuticals, inter-governmental, social, political organizations. However, such DNs may be accepted in case of necessity. For instance, the Confirmation of People’s Committee where place-name is located must be submitted if the registered DN relates to geographical indication, or the Explanation on Using Purpose will be filed if this regards to any person, father-figure.

Authority of Allocation and Procedure of Domain Name Registration

The Vietnam National Internet Centre (VNNIC) under the authorization of MPT is responsible for managing, allocating, supervising and promoting the usage of Internet resources in Vietnam. Accordingly, domestic and foreign organizations or agencies operating in Vietnam ask VNNIC to allocate DN by submitting a signed and sealed “DN registration application”; or a “DN registration application” signed by the individual applicant and Identity card/ residence book/ passport plus residence card or provisional residence certificate issued by the authorities to domestic and foreign individuals residing and working in Vietnam to VNNIC.

Any individuals or organizations can directly file the registration dossier with VNNIC at 115 Tran Duy Hung Str., Cau Giay Dist., Hanoi, or 27 Nguyen Binh Khiem Str., Dist. 1, Ho Chi Minh City; or 42 Tran Quoc Toan Str., Da Nang City; or any other DN Registration Organizations authorized by VNNIC like NetSoft, FPT, Saigonnet, etc. Besides this way, the applicants may register on line through the website at <http://www.vnnic.net.vn>; yet, the original documents required must be submitted to VNNIC later for examination.

When the proper registration dossier is received, VNNIC will examine and inform the result of granting “Certificate of DN Registration” on its website within 04 working days. If refused, VNNIC will issue a Notification in which shows reason and basis for this refusal. The allocated DN shall come into effect in at least 60 days from the granting date of the said Certificate. After that time, DN shall be revoked unless legitimate reasons are filed.

Some shortcomings in Decision 27

Apart from the good sides, Decision 27 also exists several shortcomings which affect the development of Internet system of Vietnam. Regarding the requirements of examination of DN, the MPT stipulates that the DN to be registered shall not contain phrases of words violating national interests or social morality, and jeopardizing the national benefits, or violating the social virtues, national habits and customs. As for this provision, MPT should clarify the definition of “violation with national interests, or inappropriateness with social morality, and jeopardize the national benefits, inappropriate to the social virtue, national habits and customs” since these definitions are too abstract and general to understand. Hence, it is suggested that the MPT should soon enact a List of non-used DNs in Vietnam or the guidelines on this issue to avoid using and registering the violated DNs.

Decision 27 acknowledges that agencies, organizations and enterprises shall be responsible to return Internet resources to VNNIC in case of unnecessary for their use. It means that VNNIC does not allow the owner to transfer their registered DN to anyone when they have no demand and the DN must be absolutely restored to VNNIC. Should the others want to utilize the DN, the new application must be submitted. Obviously, this is a big obstacle over the development of DN system in Vietnam for the reason that no enterprise make so bold as to invest a large amount of money in building and widening their DN in case their DN must be returned VNNIC when their enterprise can be merged into the others.

Benefits of Domain Name Registration

In some countries, a DN is as valuable as a property, even the values of some DNs may cost up to hundreds of dollars such as “business.com” with the value of 7.5 million dollars, “casino.com” of 5.5 million dollars. DN registration certainly is a leading concern of most foreign enterprises. DN registration, in Vietnam, has actually been concerned in recent time since the Vietnamese enterprises still has

not been aware of the importance of registration while they can get many benefits from the registration.

Firstly, the registered DN is one of the ways to economically and effectively promote enterprise. Whereas a trademark is directly attached to the products and brings immediate promotion effect, the DN is the indirect advertisement for the enterprises to the consumers. Simply, the consumers can find out the information in relation to the enterprises as well as their products by accessing to the website of the own enterprises,

Secondly, early DN registration shall avoid DN losing and protecting the benefits of individual and enterprise. Since the “first come, first serve” rule is applied in Vietnam, the early DN registration with the authority is extremely important. Because, in practice, a few individuals or organizations take advantage of the above rule to register the DNs of which main parts are the other enterprises’ names or the well-known trademarks for seeking profit. To protect their benefits, therefore, individual and enterprise should register their DNs as soon as possible.

Thirdly, the registration of surrounding DN shall minimize the potential costs for individual and enterprise. Upon the general rules, VNNIC shall accept to allocate a DN in case this one is slightly different from the others. Therefore, the enterprises often wish to additionally register the DNs similar to their principal one both in writing and in pronunciation (called as “surrounding DN”) to minimize the violation of the others. It is said that the surrounding DN registration shall economize on the potential costs, as cost for buying back the similar DN (usually with the high price), cost for handling dispute or claim (in other countries, frequently 2,500 dollars for one case).

Fourthly, Vietnamese DN registration help individual and enterprise to avoid misunderstanding of the registered DN. Vietnamese owns rich tune and plentiful meanings; thus, the Vietnamese DN without accent will make people confused as to the meaning thereof. For example, we can understand the meaning of the DN of “hoavang.com.vn” as “hòavang.com.vn”, “hoavàng.com.vn”, or “hóavàng.com.vn” in Vietnamese. Hence, for avoidance of misunderstanding or vague understanding the registered DN, individual and enterprise should additionally register the Vietnamese DN besides the Vietnamese DN without accent.

After all, with today’s development and integration trends, the most effective protection of the DN is to register it with a competent authority, particularly VNNIC. Do not forget saying, “to lock the stable door after the horse has bolted”.

Other Sectors

Auditing

- Decision 269/2006/QD-BCA(A11), dated April 17, 2006, of the Ministry of Public Security, on the list of top secret of state in the field of State auditing.

Banking

- On April 25, 2006, the State Bank of Vietnam issued Circular 03/2006/TT-NHNN, guiding a number of articles on deposit insurance.

Finance

- On April 10, 2006, the Ministry of Finance issued Circular 32/2006/TT-BTC, guiding taxation accounting and income accounting toward import, export goods.
- On April 17, 2006, the Ministry of Finance issued Circular 33/2006/TT-BTC, guiding the management of income and expenses of cash through State treasury.
- Circular 35/2006/TT-BTC, dated April 20, 2006, of the Ministry of Finance, guiding the implementation of Government's Decree 07/2006/ND-CP, dated January 10, 2006, on financial policy of State bank of Vietnam.
- Circular 36/2006/TT-BTC, dated April 28, 2006, of the Ministry of Finance, guiding the condition and procedure for granting certificate of consulting practice on land price.
- The Ministry of Finance issued Decision 28/2006/QD-BTC, on May 05, 2006, on amendment of and supplementation to Decision 28/2005/QD-BTC, dated May 13, 2005, of the Minister of Finance, promulgating fees and charges level for granting certificate and management of domain name, internet addresses in Vietnam.
- The Ministry of Finance issued Circular 38/2006/TT-BTC, on May 10, 2006, guiding the procedure and dealing with finance in buying, selling, handover, receiving, debt and remaining property settlement of enterprises.
- On May 12, 2006, the Ministry of Finance issued Circular 41/2006/TT-BTC, guiding the implementation of Decision 161/2005/QD-TTg, dated June 30, 2005 of Prime Minister, on the pilot extension of enterprises in enumeration, paying land-tax, income tax toward persons having high income and business rates on their own.

Trading

- On April 17, 2006, the Ministry of Trade issued Circular 07/2006/TT-BTM, guiding the procedure for granting and management of granting certificate of origin, according to Decree 19/2006/ND-CP, dated February 20, 2006, with detailed regulation of the Trading Law on the origin of goods.
- The Ministry of Trade issued Decision 0747/2006/QD-BTM, dated April 27, 2006, on the price of petrol and oil.

Import, Export

- The Ministry of Defence issued Decision 80/2006/QD-BQP, dated May 09, 2006, promulgating the list of goods, which are prohibited from export, import, according to Government's Decree 12/2006/ND-CP, dated November 23, 2006.
- The Ministry of Defence issued Circular 02/2006/TT-BCN, on April 14, 2006, providing guidelines for mineral export.

Healthcare

- On May 16, 2006, the Ministry of Health issued Circular 06/2006/TT-BYT, guiding the import, export of medicine and cosmetic.

Transportation

- Government's Decree 44/2006/ND-CP, dated April 25, 2006, dealing with administrative violation in the field of rail transport.

Industry

- Circular 04/2006/TT-BCN, dated April 27, 2006, of the Ministry of Industry, on amendment of and supplementation to a number of articles of Circular 02/2005/TT-BCN, dated March 29, 2006, of the Ministry of Industry, guiding the management, manufacturing, trading, supplying and using of industrial detonation material.

Post & Telecommunication

- Circular 02/2006/TT-BBCVT, dated April 24, 2006, of the Ministry of Post and Telecommunication, guiding the implementation of Government's Decree 12/2006/ND-CP, dated January 23, 2006, with detailed regulation on the implementation of the Trading Law on international trading and other

activities, such as: buying, selling, processing and transitional goods toward goods, which are under management of the Ministry of Post and Telecommunication.

Electric power

- On April 14, 2006, The Prime Minister issued Decision 80/2006/QD-TTg, on the approval of electric power saving program for the period of 2006-2010.

Fishery

- The Government issued Circular 03/2006/TT-BTS, on April 12, 2006, providing guidelines for the implementation of General Project on the development of Fishery to the year of 2020.

Miscellaneous

- The Prime Minister issued Decision 81/2006/QD-TTg, dated April 14, 2006, on the approval of national strategy on water resources to the year of 2020.

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