

THE GOVERNMENT

Decree No. 47/2009/ND-CP of May 13, 2009, on sanctioning administrative violations of copyright and related rights

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Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the June 14, 2005 Civil Code;

Pursuant to the November 29, 2005 Law on Intellectual Property;

Pursuant to the July 2, 2002 Ordinance on Handling of Administrative Violations and the April 2, 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations;

At the proposal of the Minister of Culture, Sports and Tourism,

DECREES:

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree provides sanctions against administrative violations of copyright and related rights intentionally or unintentionally committed by organizations and individuals under the law on copyright and related rights, which do not constitute criminal offenses but, as prescribed by this Decree, are subject to administrative sanction.
2. Administrative violations of copyright and related rights prescribed in this Decree include acts in violation of the provisions of the Civil Code and the Law on Intellectual Property on copyright and related rights.

Article 2. Subjects of application

1. This Decree applies to Vietnamese and foreign organizations and individuals committing acts of administrative violation of copyright and related rights in the territory of the Socialist Republic of Vietnam.

Article 3. Forms of sanction

1. Principal sanctions: Every act of violation committed by an organization or individual is subject to either of the following two principal sanctions: caution and fine.
2. Additional sanctions include:
 - a/ Confiscation of goods infringing upon copyright or related rights, raw materials, materials, means and tools used in the production and trading of goods infringing upon copyright or related rights;

- b/ Suspension of business, consultancy or service activities for between 90 days and 180 days;
- c/ Confiscation of copyright registration certificates, related rights registration certificates and other related papers and documents which are modified, erased, forged or invalidated;
- d/ Deprivation of the right to use copyright or related rights assessor cards.

Article 4. Remedies

In addition to sanctions specified in Article 3 of this Decree, administrative violators may be forced to take one or several of the following remedies:

1. Restoring the right to title, attach one's name to, introduce the title of or protect the integrity of a work, performance, phonogram, video recording or broadcast;
2. Destroying goods infringing upon copyright or related rights;
3. Destroying or distributing or putting into use raw materials, materials and means used in the production of goods infringing upon copyright or related rights provided that this will not affect the exploitation of rights by holders of copyright or related rights;
4. Taking out of Vietnam or re-exporting:
 - a/ Transit or imported goods infringing upon copyright or related rights;
 - b/ Imported means, equipment, raw materials and materials which have been used in the production and trading of copies without permission of copyright or related right holders or copyright or related right collective representative organizations;
 - c/ Equipment in transit or imported equipment which are used in deactivating technical solutions applied by copyright or related right holders to protect their rights.
5. Recovering dispersed material evidence and means used in violations;
6. Removing originals or copies of works, performances, phonograms, video recordings, or broadcasts which are illegally transmitted through digital networks;
7. Removing copies of works, performances, phonograms, video recordings, or broadcasts which are illegally reproduced electronically.

Article 5. Statute of limitations for sanctioning, time limit for being considered not having been sanctioned

1. The statute of limitations for sanctioning administrative violations of copyright or related rights is two years, counting from the date an administrative violation is committed. Past this period, an individual or organization committing an act of violation will not be administratively sanctioned but be forced to apply remedies specified in Article 4 of this Decree.
2. An individual against whom a criminal case was instituted, who was prosecuted or against whom a decision to bring the case involving him/her to trial according to criminal procedures was issued but later there is a decision terminating the investigation or the case, will be administratively sanctioned if his/her act shows signs of administrative violation. In this case, the statute of limitations for sanctioning is three months, counting from the date the person with sanctioning competence receives the termination decision and the dossier of the violation.

3. Within the time limits specified in Clauses 1 and 2 of this Article, if the administrative violator commits a new act of administrative violation or intentionally shirks or impedes the sanctioning, the statute of limitations specified in Clauses 1 and 2 of this Article will not be applied. The statute of limitations will be re-counted from the date of commission of the new act of administrative violation or the time of stopping the act of shirking or impeding the sanctioning.

4. Individuals or organizations sanctioned for administrative violations of copyright or related rights will be considered not having been administratively sanctioned if they do not relapse into violation within one year counting from the date of completely serving sanctioning decisions or the expiry of the statute of limitations for enforcing sanctioning decisions.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION, FORMS AND LEVELS OF SANCTION

Article 6. Acts of violation of regulations on registration

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for making a false declaration in applying for a copyright or related right registration certificate.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for failing to return a copyright or related right registration certificate after a competent agency has issued a decision invalidating and revoking it.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for forging papers in applying for a copyright or related right registration certificate.

4. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for using a copyright or related right registration certificate in a transaction or another relation after a competent agency has issued a decision invalidating and revoking it.

5. Additional sanction:

Confiscation of the copyright or related right registration certificate and other related papers and documents which have been modified, erased, forged or invalidated.

Article 7. Acts of violation of regulations on operation of collective representative organizations

1. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on collective representative organizations carrying out activities outside the scope of the copyright or related right entrustment contracts signed with copyright or related right holders.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on collective representative organizations carrying out activities outside the scope already registered with a competent state agency.

3. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for carrying out under the name of a collective representative organization activities related to the functions and tasks of a collective representative organization responsible for copyright and related rights.

Article 8. Acts of violation of regulations on assessment of copyright and related rights

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals with the function of assessing copyright and related rights for one of the following acts:

- a/ Disobeying regulations on assessment process and procedures;
- b/ Failing to perform obligations towards assessment solicitors or requesters;
- c/ Receiving assessment requests and conducting assessment in case they should have refused assessment according to law;
- d/ Making untruthful assessment conclusions, making assessment conclusions based on insufficient grounds or on grounds inconsistent with the cases;
- e/ Disclosing confidential information obtained upon assessment without permission of related parties.

2. Additional sanction:

Deprivation of the right to use copyright or related right assessor cards for between 180 days and 360 days or an unspecified period, for individuals committing acts of violation specified in Clause 1 of this Article.

Article 9. Acts of violation of regulations on operation of consultancy and service organizations

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for providing consultancy or services outside the scope of entrustment contracts signed with copyright or related right holders.

2. A fine of between VND 3,000,000 and 7,000,000 shall be imposed on operating consultancy or service organizations lacking conditions as required by law.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for providing consultancy or services outside the scope registered with competent state agencies.

4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for impersonating a consultancy or service organization to provide copyright and related right consultancy or services.

5. Additional sanction:

Suspension of consultancy or service activities for between 90 days and 180 days for consultancy and service organizations committing acts of violation specified in Clauses 1, 2 and 3 of this Article.

Article 10. Acts of illegally obstructing state management, inspection and examination of copyright and related rights

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed on organizations or individuals failing to produce or fully produce documents, information and data to state management agencies in charge of copyright and related rights or competent persons upon request.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for one of the following acts:

a/ Failing to comply with inspection or examination decisions or requests of competent organizations or individuals;

b/ Failing to supply documents and data or supplying incomplete or untruthful documents and data for inspection or examination at the request or competent persons or organizations;

c/ Causing difficulties to and obstructing inspection and examination by competent organizations or individuals.

3. A fine of between VND 3,000,000 and 7,000,000 shall be imposed for one of the following acts:

a/ Insulting, humiliating or dishonoring competent inspectors and examiners;

b/ Delaying, shirking or refusing implementation of administrative decisions of competent persons, failing to comply with inspection or examination requests, conclusions and decisions.

4. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for one of the following acts:

a/ Removing or breaking without permission the seals or, altering without permission the scene, the quantity and categories of goods being material evidence in violations of copyright or related rights which are being inspected, examined, sealed or seized;

b/ Dispersing and abolishing material evidence and means being inspected and examined.

5. Remedy:

Forced recovery of dispersed material evidence and means specified at Point b, Clause 4 of this Article.

Article 11. Acts of transporting goods infringing upon copyright and related rights

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for transporting goods infringing upon copyright or related rights.

2. Additional sanction:

Confiscation of infringing goods specified in Clause 1 of this Article.

3. Remedies:

a/ Forced destruction of infringing goods specified in Clause 1 of this Article;

b/ Forced taking out of Vietnamese territory of infringing goods in transit or forced re-export of infringing imported goods and raw materials, materials, means and equipment used in the production and trading of infringing goods specified in Clause 1 of this Article.

Article 12. Acts of stockpiling and storing goods infringing upon copyright and related rights

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for stockpiling and storing goods infringing upon copyright or related rights.

2. Additional sanction:

Confiscation of infringing goods specified in Clause 1 of this Article.

3. Remedies:

a/ Forced destruction of infringing goods specified in Clause 1 of this Article;

b/ Forced re-export of infringing imported goods and raw materials, materials, means and equipment used in the production and trading of infringing goods specified in Clause 1 of this Article.

Article 13. Acts of advertising goods infringing upon copyright and related rights

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for advertising on signboards, advertisement panels, specialized advertisement screens, banderoles and similar forms; on other media.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for advertising on means of transport.

3. A fine of between VND 3,000,000 and 7,000,000 shall be imposed for advertising on publications, newspapers and other published products.

4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for advertising on broadcasting media, including digital ones.

5. Additional sanction:

Confiscation of material evidence and means used for committing acts of violation specified in Clauses 1, 2, 3 and 4 of this Article.

6. Remedy:

Forced removal of violating advertisement contents specified in Clauses 1, 2, 3 and 4 of this Article.

Article 14. Acts of infringing upon the right to attach one's name to or title works

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for reasonably citing another's work in one's work without indicating the name of the author and the origin of the work.

2. A fine of between VND 500,000 and 2,000,000 shall be imposed for using a work without indicating the real name or pen name of its author or its title or indicating a wrong real name or pen name of the author or a wrong title of the work as provided for by law.

3. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for using a work without indicating the real name or pen name of its author or its title or citing a wrong real name or pen name of the author or a wrong title of a work on a fixed phonogram, video recording or broadcast and other products as provided for by law.

4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for impersonating the author or forging the author's signature.

5. Additional sanction:

Confiscation of infringing goods and raw materials, materials, means and equipment used for the production and trading of infringing goods specified in Clauses 1, 2, 3 and 4 of this Article.

6. Remedies:

a/ Forced restoration of the right to attach one's name to or title a work specified in Clauses 1, 2 and 3 of this Article;

b/ Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used for the production and trading of infringing goods specified in Clause 4 of this Article.

Article 15. Acts of infringing upon the right to protect the integrity of works

1. A fine of between VND 3,000,000 and 10,000,000 shall be imposed for modifying or mutilating a work in whatever forms without the author's permission.

2. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for modifying, mutilating or distorting a work in whatever forms, causing prejudice to the author's honor and prestige.

3. Additional sanction:

Confiscation of infringing goods or raw materials, materials, means and equipment used for the production and trading of infringing goods specified in Clauses 1 and 2 of this Article.

4. Remedy:

Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used for the production and trading of infringing goods specified in Clauses 1 and 2 of this Article.

Article 16. Acts of infringing upon the right to publicize works

1. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for publishing for the first time a co-authored work or a work under joint-copyright without permission of other co-authors or copyright co-holders or the copyright collective representative organization as prescribed by law.

2. A fine of between VND 15,000,000 and 30,000,000 shall be imposed for publishing for the first time a work without permission of the author, co-authors, the copyright holder or copyright co-holders or the copyright collective representative organization as prescribed by law.

3. Additional sanction:

Confiscation of infringing goods specified in Clauses 1 and 2 of this Article.

4. Remedies:

a/ Forced destruction of infringing goods specified in Clauses 1 and 2 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1 and 2 of this Article.

Article 17. Acts of infringing upon the right to make derivative works

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for making a derivative work without permission of other co-authors or copyright co-holders or the copyright collective representative organization as prescribed by law.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for making a derivative work without permission of the author or co-authors, the copyright holder or co-holders or the copyright collective representative organization as prescribed by law.

3. Additional sanction:

Confiscation of works created by acts of violation specified in Clauses 1 and 2 of this Article.

4. Remedy:

Forced destruction of works created by acts of violation specified in Clauses 1 and 2 of this Article.

Article 18. Acts of infringing upon the right to perform works to the public

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for using a work for live performance without permission of other copyright co-holders or the copyright collective representative organization as prescribed by law.

2. A fine of between VND 5,000,000 and 8,000,000 shall be imposed for using a work for live performance without permission of the copyright holder or copyright co-holders or the copyright collective representative organization as prescribed by law.

3. A fine of between VND 8,000,000 and 15,000,000 shall be imposed for using a work for performance through audio- or video-recorded programs or whatever technical means accessible by the public without permission of the copyright holder or the copyright collective representative organization as prescribed by law.

4. A fine of between VND 15,000,000 and 30,000,000 shall be imposed for using a work for performance through audio- or video-recorded programs or any technical means accessible by the public without permission of the copyright co-holders or the copyright collective representative organization as prescribed by law.

5. Additional sanctions:

a/ Confiscation of infringing goods specified in Clauses 3 and 4 of this Article;

b/ Suspension of business activities for between 90 days and 180 days, for organizations and individuals committing acts specified in Clauses 3 and 4 of this Article.

6. Remedies:

a/ Forced destruction of infringing goods specified in Clauses 3 and 4 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 3 and 4 of this Article.

Article 19. Acts of infringing upon the right to rent originals or copies of cinematographic works or computer programs

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed for renting a cinematographic work or computer program without permission of other copyright co-holders or the copyright collective representative organization as prescribed by law.

2. A fine of between VND 25,000,000 and 50,000,000 shall be imposed for renting a cinematographic work or computer program without permission of the copyright holder, copyright co-holders or the copyright collective representative organization as prescribed by law.

3. Additional sanctions:

a/ Confiscation of infringing goods, means and equipment used for committing acts specified in Clauses 1 and 2 of this Article;

b/ Suspension of business activities for between 90 days and 180 days, for organizations and individuals committing acts specified in Clauses 1 and 2 of this Article.

4. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of means and equipment used in the production of infringing goods specified in Clauses 1 and 2 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1 and 2 of this Article.

Article 20. Acts of infringing upon the right to distribute works in the form of sale

Acts of distributing a work in the form of sale without permission of the copyright holder or the copyright collective representative organization shall be sanctioned as follows:

1. A fine of between VND 500,000 and 1,500,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;

2. A fine of between VND 1,500,000 and 2,500,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 2,500,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;

4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;

5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;

6. A fine of between VND 15,000,000 and 25,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;

7. A fine of between VND 25,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;

8. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;

9. A fine of between VND 100,000,000 and 150,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;

10. A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at over VND 400,000,000 and 500,000,000;

11. A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000.

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used for the production of infringing goods specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 21. Acts of infringing upon the right to import originals or copies of works

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed for importing the original or a copy of a work without permission of other copyright co-holders or the copyright collective representative organization as prescribed by law.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for importing the original or a copy of a work without permission of the copyright holder, copyright co-holders or the copyright collective representative organization as prescribed by law.

3. Additional sanction:

Confiscation of infringing goods specified in Clauses 1 and 2 of this Article.

4. Remedies:

a/ Forced destruction of infringing goods specified in Clauses 1 and 2 of this Article;

b/ Forced taking out of Vietnamese territory of infringing goods in transit or forced re-export of infringing goods specified in Clauses 1 and 2 of this Article.

Article 22. Acts of infringing upon the right to communicate works to the public

1. A fine of between VND 20,000,000 and 50,000,000 shall be imposed for communicating a work to the public without permission of other copyright co-holders or the copyright collective representative organization as prescribed by law.

2. A fine of between VND 50,000,000 and 100,000,000 shall be imposed for communicating a work to the public without permission of the copyright holder, copyright co-holders or the copyright collective representative organization as prescribed by law.

3. Additional sanctions:

a/ Confiscation of means and equipment used for committing acts specified in Clauses 1 and 2 of this Article;

b/ Suspension of business or service activities for between 90 days and 180 days, for organizations and individuals committing acts specified in Clauses 1 and 2 of this Article.

4. Remedies:

a/ Forced destruction or putting into use of means and equipment in violations specified in Clauses 1 and 2 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1 and 2 of this Article.

Article 23. Acts of infringing upon the right to reproduce works

Acts of reproducing a work without permission of the copyright holder or the copyright collective representative organization shall be sanctioned as follows:

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;

4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;

5. A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;

6. A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;

7. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;

8. A fine of between VND 100,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;

9. A fine of between VND 200,000,000 and 300,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;

10. A fine of between VND 300,000,000 and 400,000,000 shall be imposed at over VND 400,000,000 and 500,000,000;

11. A fine of between VND 400,000,000 and 500,000,000 shall be imposed at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used for the production of infringing goods specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 24. Acts of making works with forged signatures of authors

1. A fine of between VND 15,000,000 and 30,000,000 shall be imposed for making a work using a forged signature of the author.

2. Additional sanction:

Confiscation of infringing goods, raw materials, materials, means and equipment used in the production of infringing goods specified in Clause 1 of this Article.

3. Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used in the violation specified in Clause 1 of this Article.

Article 25. Acts of selling works with forged signatures of authors

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for selling a work with a forged signature of the author.

2. Additional sanction:

Confiscation of infringing goods specified in Clause 1 of this Article.

3. Forced destruction of infringing goods specified in Clause 1 of this Article.

Article 26. Acts of infringing upon the right to apply technological solutions to self-protect copyright

1. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for intentionally canceling or deactivating technical and technological solutions applied by the copyright holder to protect copyright to his/her work.

2. A fine of between VND 15,000,000 and 30,000,000 shall be imposed for intentionally deleting or modifying copyright management information in electronic form attached to the original or copies of a work.

3. A fine of between VND 30,000,000 and 60,000,000 shall be imposed for producing, assembling, mutating, distributing, importing, exporting, selling or renting devices to deactivate technical and technological solutions applied by the copyright holder to protect copyright to his/her work.

4. Additional sanction:

Confiscation of raw materials, materials, means and equipment used in committing acts specified in Clauses 1, 2 and 3 of this Article.

5. Remedies:

a/ Forced destruction or putting into use of raw materials, materials, means and equipment used in violations specified in Clauses 1, 2 and 3 of this Article;

b/ Forced taking out of Vietnamese territory of infringing equipment in transit or forced re-export of infringing equipment specified in Clauses 1, 2 and 3 of this Article.

Article 27. Acts of appropriating copyright

1. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for appropriating one of the following moral rights:

a/ To title a work;

b/ To attach the real name or pen name to the work; to have the real name or pen name acknowledged when the work is published or used;

c/ To publish a work;

d/ To protect the integrity of a work.

2. A fine of between VND 200,000,000 and 500,000,000 shall be imposed for appropriating one of the following economic rights:

a/ To make a derivative work;

b/ To perform a work to the public;

c/ To reproduce a work;

d/ To distribute or import the original or copies of a work;

e/ To communicate a work to the public by wire or wireless means, an electronic information network or any other technical means;

f/ To rent out the original or copies of a cinematographic work or computer program.

3. Additional sanctions:

a/ Confiscation of infringing goods, raw materials, materials, means and equipment used in the production or trading of infringing goods specified at Point c, Clause 1, and Clause 2 of this Article;

b/ Suspension of trading or service activities for between 90 days and 180 days, for organizations and individuals committing acts specified at Point c, Clause 1, and Clause 2 of this Article.

4. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used for the production of infringing goods specified at Point c, Clause 1, and Clause 2 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified at Point c, Clause 1, and Clause 2 of this Article.

Article 28. Acts of infringing upon the right to introduce names of performers

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for failing to introduce the name or introducing a wrong name of the performer upon performance.

2. A fine of between VND 1,000,000 and 5,000,000 shall be imposed for failing to introduce the name or introducing a wrong name of the performer on a phonogram, video recording or broadcast.

3. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for impersonating a performer in a performance.

4. Additional sanction:

Confiscation of infringing goods specified in Clause 2 of this Article.

5. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of raw materials, materials, means and equipment used for the production of infringing goods specified in Clause 2 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clause 2 of this Article.

Article 29. Acts of infringing upon the right to protect the integrity of performed images

1. A fine of between VND 3,000,000 and 10,000,000 shall be imposed for modifying and mutilating acts infringing upon the right to protect the integrity of performed images in whatever forms without consent of the performer.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for distorting performed images in whatever forms.

3. Additional sanction:

Confiscation of infringing goods, raw materials, materials and equipment used in the production and trading of infringing goods specified in Clauses 1 and 2 of this Article.

4. Remedies:

- a/ Forced destruction of infringing goods specified in Clauses 1 and 2 of this Article;
- b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1 and 2 of this Article.

Article 30. Acts of infringing upon the right of performers to fix live performances

1. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for fixing a live performance on a phonogram or video recording without permission of the right holder or related right collective representative organization.

2. Additional sanction:

Confiscation of fixed performances and means used in fixing performances for the act specified in Clause 1 of this Article.

3. Remedies:

- a/ Forced destruction of fixed performances for the act specified in Clause 1 of this Article;
- b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clause 1 of this Article.

Article 31. Acts of infringing upon the right to directly or indirectly reproduce performances

Acts of directly or indirectly reproduce a performance already fixed on a phonogram or video recording without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;
2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;
3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;
4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;
5. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;
6. A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;
7. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;
8. A fine of between VND 100,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;

9. A fine of between VND 200,000,000 and 300,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;

10. A fine of between VND 300,000,000 and 400,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;

11. A fine of between VND 400,000,000 and 500,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electronic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 32. Acts of infringing upon the right to broadcast or otherwise communicate unfixed performances to the public

1. A fine of between VND 30,000,000 and 70,000,000 shall be imposed for broadcasting or otherwise communicating an unfixed performance to the public without permission of the right holder or related right collective representative organization, unless such performance is intended for broadcasting.

2. Additional sanction:

Confiscation of infringing fixed performances, raw materials, materials, means and equipment used in committing the act specified in Clause 1 of this Article.

3. Remedies:

a/ Forced destruction of infringing fixed performances; forced destruction or putting into use of infringing raw materials, materials, means and equipment used for the act specified in Clause 1 of this Article;

b/ Forced removal of electronic copies of performances from the Internet, electro-informatic devices and other equipment specified in Clause 1 of this Article.

Article 33. Acts of infringing upon the right to distribute originals or copies of performances to the public

Acts of distributing the original or copies of a performance to the public without consent of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 500,000 and 1,500,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;

2. A fine of between VND 1,500,000 and 2,500,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 2,500,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;
4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;
5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;
6. A fine of between VND 15,000,000 and 25,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;
7. A fine of between VND 25,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;
8. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;
9. A fine of between VND 100,000,000 and 150,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;
10. A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;
11. A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 34. Acts of infringing upon the right to directly or indirectly reproduce phonograms or video recordings

Acts of reproducing or reciting a phonogram or video recording without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;
2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;
4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;
5. A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;
6. A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;
7. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;
8. A fine of between VND 100,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;
9. A fine of between VND 200,000,000 and 300,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;
10. A fine of between VND 300,000,000 and 400,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;
11. A fine of between VND 400,000,000 and 500,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 35. Acts of infringing upon the right to distribute originals or duplicates of phonograms or video recordings to the public

Acts of distributing a phonogram or video recording without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 500,000 and 1,500,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;
2. A fine of between VND 1,500,000 and 2,500,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 2,500,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;
4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;
5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;
6. A fine of between VND 15,000,000 and 25,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;
7. A fine of between VND 25,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;
8. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;
9. A fine of between VND 100,000,000 and 150,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;
10. A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;
11. A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 36. Acts of using phonograms or video recordings already published for commercial purposes

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for using a phonogram or video recording already published for commercial purpose without paying royalty or remuneration for such use to its owner.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for using a phonogram or video recording already published for commercial purpose in restaurants, hotels, supermarkets; karaoke service, post and telecommunications service or digital environment business establishments; in tourist, aviation, public transport or other commercial activities without paying royalty or remuneration for such use to its owner.

3. Additional sanction:

Suspension of violating business or service activities for between 90 days and 180 days, for organizations and individuals committing the act specified in Clause 2 of this Article.

4. Remedy:

Forced removal of electronic copies of phonograms or video recordings from the Internet, electro-informatic devices and other equipment specified in Clause 2 of this Article.

Article 37. Acts of infringing upon the rights to publish, produce and distribute phonograms or video recordings

Acts of publishing, producing and distributing a phonogram or video recording without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 500,000 and 1,500,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;
2. A fine of between VND 1,500,000 and 2,500,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;
3. A fine of between VND 2,500,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;
4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;
5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;
6. A fine of between VND 15,000,000 and 25,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;
7. A fine of between VND 25,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;
8. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;
9. A fine of between VND 100,000,000 and 150,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;
10. A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;
11. A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 38. Acts of infringing upon the right to broadcast or rebroadcast broadcasts

1. A fine of between VND 50,000,000 and 100,000,000 shall be imposed for acts of broadcasting or rebroadcasting a broadcast without permission of the right holder or related collective representative organization.

2. Additional sanction:

Confiscation of raw materials and materials used in committing the act specified in Clause 1 of this Article.

3. Remedies:

a/ Forced destruction of infringing fixed broadcasts specified in Clause 1 of this Article;

b/ Forced removal of electronic copies of fixed broadcasts from the Internet, electro-informatic devices and other equipment specified in Clause 1 of this Article.

Article 39. Acts of infringing upon the right to distribute broadcasts to the public

Acts of infringing upon the right to distribute a broadcast without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 500,000 and 1,500,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;

2. A fine of between VND 1,500,000 and 2,500,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 2,500,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;

4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;

5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;

6. A fine of between VND 15,000,000 and 25,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;

7. A fine of between VND 25,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;

8. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;

9. A fine of between VND 100,000,000 and 150,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;

10. A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;

11. A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment used specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 40. Acts of infringing upon the right to fix broadcasts

1. A fine of between VND 20,000,000 and 50,000,000 shall be imposed for infringing upon the right to fix a broadcast without permission of the right holder or related right collective representative organization.

2. Additional sanction:

Confiscation of infringing fixed broadcasts and raw materials and materials used in committing the act specified in Clause 1 of this Article.

3. Remedies:

a/ Forced destruction of infringing fixed broadcasts specified in Clause 1 of this Article;

b/ Forced removal of electronic copies of fixed broadcasts from the Internet, electro-informatic devices and other equipment specified in Clause 1 of this Article.

Article 41. Acts of infringing upon the right to reproduce broadcasts

Acts of reproducing a fixed broadcast without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed in case infringing goods are valued at up to VND 5,000,000;

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed in case infringing goods are valued at between over VND 5,000,000 and 10,000,000;

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case infringing goods are valued at between over VND 10,000,000 and 20,000,000;
4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case infringing goods are valued at between over VND 20,000,000 and 30,000,000;
5. A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case infringing goods are valued at between over VND 30,000,000 and 50,000,000;
6. A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at between over VND 50,000,000 and 100,000,000;
7. A fine of between VND 50,000,000 and 100,000,000 shall be imposed in case infringing goods are valued at between over VND 100,000,000 and 200,000,000;
8. A fine of between VND 100,000,000 and 200,000,000 shall be imposed in case infringing goods are valued at between over VND 200,000,000 and 300,000,000;
9. A fine of between VND 200,000,000 and 300,000,000 shall be imposed in case infringing goods are valued at between over VND 300,000,000 and 400,000,000;
10. A fine of between VND 300,000,000 and 400,000,000 shall be imposed in case infringing goods are valued at between over VND 400,000,000 and 500,000,000;
11. A fine of between VND 400,000,000 and 500,000,000 shall be imposed in case infringing goods are valued at over VND 500,000,000;

12. Additional sanction:

Confiscation of goods and means used in committing acts specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

13. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use of infringing raw materials, materials, means and equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article;

b/ Forced removal of electronic copies of works from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this Article.

Article 42. Acts of reciting broadcasts

Acts of reciting a broadcast without permission of the right holder or related right collective representative organization shall be sanctioned as follows:

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case infringing goods are valued at up to VND 10,000,000;
2. A fine of between VND 20,000,000 and 50,000,000 shall be imposed in case infringing goods are valued at over VND 10,000,000.

3. Additional sanction:

Confiscation of infringing goods, raw materials, materials, means and equipment used in committing the act specified in Clauses 1 and 2 of this Article.

4. Remedies:

a/ Forced destruction of infringing goods; forced destruction or putting into use raw materials, materials, means and equipment used in committing the act specified in Clauses 1 and 2 of this Article;

b/ Forced removal of electronic copies of fixed broadcasts from the Internet, electro-informatic devices and other equipment specified in Clause 1 of this Article.

Article 43. Acts of infringing upon the right to apply technological solutions to protect related rights

1. A fine of between VND 5,000,000 and 15,000,000 shall be imposed for disengaging or modifying right management information in electronic form without permission of the related right holder or related right collective representative organization.

2. A fine of between VND 15,000,000 and 30,000,000 shall be imposed for intentionally canceling or deactivating technical solutions applied by the related right holder or related right collective representative organization to protect his/her/its related rights.

3. A fine of between VND 30,000,000 and 60,000,000 shall be imposed for broadcasting, distributing or importing for public distribution fixed performances and copies thereof or phonograms or video recordings with cancelled or modified right management information in electronic form without permission of the related right holder or related right collective representative organization.

4. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for producing, assembling, mutating, distributing, importing, exporting, selling or renting equipment that help illegally decode encrypted program-carrying satellite signals.

5. A fine of between VND 50,000,000 and 100,000,000 shall be imposed for intentionally receiving or relaying encrypted program-carrying satellite signals without permission of the lawful distributor.

6. Additional sanction:

Confiscation of infringing goods, raw materials, materials, means and equipment used in the production and trading of infringing goods specified in Clauses 1, 2, 3, 4 and 5 of this Article.

7. Remedies:

a/ Forced destruction or putting into use raw materials, materials, means and equipment used in infringing acts specified in Clauses 1, 2, 3, 4 and 5 of this Article;

b/ Forced removal of electronic originals and copies of works, performances, phonograms, video recordings or broadcasts from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3, 4 and 5 of this Article;

c/ Forced taking out of Vietnamese territory of infringing equipment in transit or re-export of infringing equipment specified in Clauses 1, 2, 3, 4 and 5 of this Article.

Article 44. Acts of appropriating related rights

1. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for appropriating one of the following moral rights of performers:

a/ To be acknowledged when performing or distributing phonograms, video recordings, or broadcasting performances;

b/ To protect the integrity of performed images, prevent others from modifying, mutilating or distorting works in whatever forms prejudicial to the honor and reputation of performers.

2. A fine of between VND 200,000,000 and 300,000,000 shall be imposed for appropriating one of the following economic rights of performers:

a/ To fix their live performances on phonograms or video recordings;

b/ To directly or indirectly reproduce their performances which have been fixed on phonograms or video recordings;

c/ To broadcast or otherwise communicate to the public their unfixed performances in a way accessible by the public, unless when such performances are intended for broadcasting;

d/ To distribute to the public their original performances and copies thereof in the form of sale, rental or distribution by whatever technical means accessible by the public.

3. A fine of between VND 200,000,000 and 500,000,000 shall be imposed for appropriating one of the following moral rights of producers of phonograms or video recordings:

a/ To directly or indirectly reproduce their phonograms or video recordings;

b/ To distribute to the public originals or copies of their phonograms or video recordings in the form of sale, rental or distribution by whatever technical means accessible by the public.

4. A fine of between VND 200,000,000 and 500,000,000 shall be imposed for appropriating one of the following property rights of broadcasting organizations:

a/ To broadcast and rebroadcast their broadcasts;

b/ To distribute to the public their broadcasts;

c/ To fix their broadcasts;

d/ To reproduce their fixed broadcasts.

5. Additional sanctions:

a/ Confiscation of raw materials, materials, means and equipment used in the production and trading of infringing goods specified in Clauses 1, 2, 3 and 4 of this Article;

b/ Suspension of trading and service activities for between 90 days and 180 days, for individuals and organizations committing acts specified in Clauses 1, 2, 3 and 4 of this Article.

6. Remedies:

a/ Forced destruction infringing goods; forced destruction or putting into use raw materials, materials, means and equipment used in infringing acts specified in Clauses 1, 2, 3 and 4 of this Article;

b/ Forced removal of electronic originals and copies of works, performances, phonograms, video recordings or broadcasts from the Internet, electro-informatic devices and other equipment specified in Clauses 1, 2, 3 and 4 of this Article.

Chapter III

COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS

Article 45. Competence to sanction administrative violations of copyright and related rights

1. Specialized inspectors of the Ministry of Culture, Sports and Tourism and provincial-level Services of Culture, Sports and Tourism on duty have the following powers:

a/ To serve caution or impose fines of up to VND 500,000;

b/ To impose the additional sanction specified at Point a, Clause 2, Article 3 of this Decree on material evidence and means valued at up to VND 2,000,000 used in administrative violations;

c/ To compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

2. Chief inspectors of provincial-level Services of Culture, Sports and Tourism have the following powers:

a/ To serve caution or impose fines of up to VND 30,000,000;

b/ To impose the additional sanctions specified in Clause 2, Article 3 of this Decree;

c/ To compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

3. The chief inspector of the Ministry of Culture, Sports and Tourism has the following powers:

a/ To serve caution or impose fines of up to maximum levels prescribed in this Decree;

b/ To impose the additional sanctions specified in Clause 2, Article 3 of this Decree;

c/ To compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

4. Commune-level People's Committee presidents have the following powers:

a/ To serve caution or impose fines of up to VND 2,000,000;

b/ To impose the additional sanction specified at Point a, Clause 2, Article 3 of this Decree for material evidence and means valued at up to VND 2,000,000 used in administrative violations;

c/ To compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

5. District-level People's Committee presidents have the following powers:

- a/ To serve caution or impose fines of up to VND 30,000,000;
- b/ To impose the additional sanctions specified in Clause 2, Article 3 of this Decree;
- c/ To compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

6. Provincial-level People's Committee presidents have the following powers:

- a/ To serve caution or impose fines of up to maximum levels as prescribed in this Decree;
- b/ To impose the additional sanctions specified in Clause 2, Article 3 of this Decree;
- c/ To compel the application of remedies specified in Article 4 of this Decree.

7. Customs officers on duty have the power to sanction acts infringing upon copyright and related rights specified in Clause 1, Article 34 of the Ordinance on Handling of Administrative Violations.

Heads of operations teams of district-level customs departments and heads of operations teams of post-customs clearance examination sections have the power to sanction acts infringing upon copyright and related rights specified in Clause 2, Article 34 of the Ordinance on Handling of Administrative Violations.

Directors of district-level Customs Departments, directors of post-customs clearance examination sections, heads of control teams under the Customs Departments of provinces, inter-provinces and centrally run cities (below collectively referred to as provincial-level Customs Departments), heads of anti-smuggling control teams and commanders of sea control flotillas under the Anti-Smuggling Investigation Department of the General Department of Customs have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 3, Article 34 of the Ordinance on Handling of Administrative Violations; and impose the additional sanction specified at Point a, Clause 2, Article 3 of this Decree.

The director of the Anti-Smuggling Department, the director of the Post-Customs Clearance Examination Department of the General Department of Customs and directors of provincial-level Customs Departments have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 4, Article 34 of the Ordinance on Handling of Administrative Violations; and impose the additional sanction specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 2, 3, 4 and 5, Article 4 of this Decree.

8. Market controllers on duty have the power to sanction acts infringing upon copyright and related rights specified in Clause 1, Article 37 of the Ordinance on Handling of Administrative Violations.

Heads of market control teams have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 2, Article 37 of the Ordinance on Handling of Administrative Violations; impose the additional sanction specified at Point a, Clause 2, Article 3 of this Decree for material evidence and means valued at up to VND 30,000,000 used in administrative violations; and compel the application of remedies specified in Clauses 2 and 3, Article 4 of this Decree.

Directors of market control sub-departments have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 3, Article 37 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

The director of the Market Control Department has the power to sanction acts infringing upon copyright and related rights in accordance with Points a and b, Clause 4, Article 37 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

9. People's policemen on duty have the power to sanction acts infringing upon copyright and related rights in accordance with Clause 1, Article 31 of the Ordinance on Handling of Administrative Violations.

Heads of police posts and heads of people's policemen on duty have the power to sanction acts infringing upon copyright and related rights specified in Clause 2, Article 31 of the Ordinance on Handling of Administrative Violations.

Commune-level police heads have the power to sanction acts infringing upon copyright and related rights in accordance with Clause 3, Article 31 of the Ordinance on Handling of Administrative Violations; impose the additional sanction specified at Point a, Clause 2, Article 3 of this Decree for material evidence and means valued at up to VND 2,000,000 used in administrative violations; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

District-level police heads have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 4, Article 31 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

Directors of police sections for administrative management of social order, directors of police sections for order, heads of police sections for investigation of social order-related crimes, directors of police sections for investigation of economic management order and post-related crimes, directors of police sections for investigation of narcotic-related crimes, directors of road and railway traffic police sections, directors of waterway traffic police sections, heads of fire prevention and fighting police sections, directors of judicial protection and assistance police sections, directors of environmental protection police sections, directors of immigration management sections, heads of mobile police units of company or higher levels, heads of police stations and heads of border-gate or export-processing zone police posts have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 5, Article 31 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

Directors of provincial-level Police Departments and directors of Fire Prevention and Fighting Police Services have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 6, Article 31 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

The director of the Police Department for Administrative Management of Social Order, the director of the Police Department for Investigation of Social Order-Related Crimes, the director of the Police Department for Investigation of Economic Management Order and Post-Related Crimes, the director of the Police Department for Investigation of Narcotic-Related Crimes, the director of the Road and Railway Traffic Police Department, the director of the Waterway Traffic Police Department, the director of the Fire Prevention and Fighting Police Department, the director of the Judicial Protection and Assistance Police Department, the director of the Environmental Protection Police Department and the director of the Immigration Management Department have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 7, Article 31 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in

Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

10. Border guards on duty have the power to sanction acts infringing upon copyright and related rights specified in Clause 1, Article 32 of the Ordinance on Handling of Administrative Violations.

Heads of border guards on duty and heads of border guard control posts have the power to sanction acts infringing upon copyright and related rights specified in Clause 2, Article 32 of the Ordinance on Handling of Administrative Violations.

Heads of border guard stations, chief commanders of border guard flotillas, chief commanders of border guard sub-zones and chief commanders of border guards at port border gates have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 3, Article 32 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified at Point a, Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

Chief commanders of provincial-level Border Guards and chief commanders of border guard flotillas attached to the Border Guard High Command have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 4, Article 32 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

11. Policemen of coast guard operations teams on duty have the power to sanction acts infringing upon copyright and related rights specified in Clause 1, Article 33 of the Ordinance on Handling of Administrative Violations.

Heads of coast guard operations teams have the power to sanction acts infringing upon copyright and related rights specified in Clause 2, Article 33 of the Ordinance on Handling of Administrative Violations.

Commanders of coast guard flotillas have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 4, Article 33 of the Ordinance on Handling of Administrative Violations; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

Commanders of coast guard fleets have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 5, Article 33 of the Ordinance on Handling of Administrative Violations; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

Chief commanders of coast guard zones have the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 6, Article 33 of the Ordinance on Handling of Administrative Violations; impose the additional sanction specified at Point a, Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3, 5, 6 and 7, Article 4 of this Decree.

The director of the Coast Guard Department has the power to sanction acts infringing upon copyright and related rights specified at Points a and b, Clause 7, Article 33 of the Ordinance on Handling of Administrative Violations; impose the additional sanctions specified in Clause 2, Article 3 of this Decree; and compel the application of remedies specified in Clauses 1, 2, 3 and 5, Article 4 of this Decree.

Article 46. Principles for determining competence to sanction

1. Presidents of the People's Committees at all levels have the power to sanction administrative violations of copyright and related rights within their respective localities.
2. Chief inspectors and specialized inspectors of the Ministry of Culture, Sports and Tourism and provincial-level Services of Culture, Sports and Tourism have the power to sanction administrative violations of copyright and related rights within the scope of their state management.

For administrative violations falling beyond the competence of chief inspectors of provincial-level Services of Culture, Sports and Tourism, their dossiers shall be transferred to provincial-level People's Committee presidents for sanction according to their competence.

3. When an administrative violation falls within the sanctioning competence of more than one person under this Decree, the person who first receives the case will sanction it.
4. When a person commits many administrative violations falling under the sanctioning competence of different persons of different branches, the sanctioning competence will rest with the president of the competent People's Committee of the locality where the violations are committed.

Chapter IV

COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS

Article 47. Complaints and denunciations

1. Citizens may denounce to competent state agencies administrative violations of copyright and related rights committed by organizations or individuals specified in this Decree or violations committed by persons competent to sanction administrative violations of copyright and related rights in accordance with law.
2. Organizations and individuals sanctioned for administrative violations or their lawful representatives may complain about sanctioning decisions in accordance with the law on complaints and denunciations.
3. The initiation of administrative lawsuits against administrative violation-sanctioning decisions complies with law.
4. The order and procedures for lodging complaints about and denunciations on administrative violations of copyright and related rights and the competence to settle these complaints and denunciations comply with the law on complaints and denunciations.

Article 48. Handling of violations committed by persons competent to sanction administrative violations of copyright and related rights

1. Persons competent to sanction administrative violations of copyright and related rights who harass, tolerate or cover up violations, fail to handle violations or handle violations lately, improperly or *ultra vires* shall, depending on the nature and seriousness of their violations, be administratively disciplined or examined for penal liability.

2. Persons competent to sanction administrative violations of copyright and related rights who illegally appropriate or use confiscated money, material evidence and means used in administrative violations shall, depending on the nature and seriousness of their violations, be administratively disciplined or examine for penal liability, and pay damages in accordance with the civil law.

Article 49. Handling of violations committed by persons sanctioned for administrative violations of copyright and related rights

Persons sanctioned for administrative violations of copyright or related rights who commit violations in the course of serving sanctioning decisions or commit other acts of violation shall be handled under Article 122 of the Ordinance on Handling of Administrative Violations.

Chapter V IMPLEMENTATION PROVISIONS

Article 50. Effect

This Decree takes effect on June 30, 2009, and replaces the provisions of Articles 44, 45, 46 and 47, Section 7, Chapter II and other provisions of the Government's Decree No. 56/2006/ND-CP of June 6, 2006, on sanctioning administrative violations in cultural and information activities which are contrary to this Decree.

Article 51. Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial-level People's Committees shall implement this Decree.

On behalf of the Government
Prime Minister
NGUYEN TAN DUNG
