

Regulations on Fine Art Exhibition and Gallery Activities

(Issued attached to Decision 03/1999/ED-BVHTT dated on 2 February 1999 by

the Minister of Culture and Information)

Chapter I

General Provisions

Article 1. Fine art exhibition is a method to make public or popularize works of plastic and applied arts (including paintings, statues, embossments, artistic ceramics, layouts for interior decoration, stage decoration, and cinematic decoration, posters, arrangement art and other forms of fine art creation).

Fine art and handicraft products with marketable nature and made in mass shall not be included in the scope of the Regulations.

Article 2. The State shall encourage the popularization of valuable pieces of fine arts among the community.

Article 3. Fine art exhibitions held by Vietnamese or foreign organizations/individuals in Vietnam, and the Vietnamese fine art exhibitions abroad shall be permitted by the competent governmental authorities in charge of culture and information as stipulated in Article 7 herein.

Article 4. Organizations and individuals engaging in gallery activities shall be permitted by the competent governmental authorities in charge of culture and information as stipulated in Article 12 herein.

Article 5. The following works shall not be allowed to be exhibited or traded:

1. Works with the content:

a. To oppose the Socialist Republic of Vietnam and damage the all-people unity;

b. To diffuse violence and aggressive war; to ignite feud among different nations and peoples; to popularize reactionary thoughts, a debauched way of living, criminal actions, social evils, superstition; to destroy good habits and customs;

c. To reveal the Party and State secrets, the secrets in the field of military, security, external economic, citizens' privacy and other secrets described by laws;

d. To distort history and disclaim revolutionary achievements, to outrage great celebrities or national heroes, to calumniate and harm organizations' prestige, and to degrade citizens' honor and human dignity.

2. The works in the breach of the law on copyright.

Article 6. Without the authorization of the Ministry of Culture and Information, any exhibition in which the works are selected by Vietnamese or foreign organizations or individuals and shown in Vietnam or abroad shall not be allowed to represent Vietnam fine arts.

Chapter II

Rights to license and procedures to request permission for exhibition and gallery

activities

Article 7. The right to license exhibitions is defined as follows:

1. The Ministry of Culture and Information shall issue the license for national and international exhibitions.

In some special cases, the Ministry of Culture and Information shall authorize the Department of Fine Arts to issue the license.

2. The Department of Fine Arts shall issue the license to:

a. the exhibitions authorized by the Ministry of Culture and Information as stipulated in Clause 1 of this Article.

b. the exhibitions of foreign individuals, groups of authors and organizations shown in Vietnam, the exhibitions of Vietnamese individuals, groups of authors and organizations in foreign countries. In some cases, the Department of Fine Arts can authorize the Services of Culture and Information to issue the license.

c. the exhibitions by the Vietnam Fine Arts Association, central-level associations, ministerial-level agencies and the same.

3. The Services of Culture and Information shall issue the license to:

a. the exhibitions of individuals or groups, the fine art exhibitions at provincial, city or regional levels;

b. the exhibitions stipulated in Points (b) and (c), Clause 2 of this Article as authorized by the Department of Fine Arts.

4. Within ten (10) days after full receipt of legal documents, the competent authorities in charge of license issuance shall issue a license. In case of refusal, an explanation in writing shall be required.

Article 8. The license issued for fine art exhibitions abroad shall be the legal foundation for customs procedures when exporting the works.

Article 9.

1. Any organization or individual wanting to hold an exhibition shall select works and submit an application (on printed forms) or official correspondence or notes to the competent authorities under Article 7 of the Regulations. In addition to the applications or notes, the following conditions shall be satisfied:

a. A list of works, authors, materials, and sizes;

b. Photos of the exhibited works (in colors, size 9 x 12 cm or larger);

c. Sample of the invitation, the content of the introduction in the Vietnamese language. In case foreign languages are necessary, they shall be printed beneath and not twice bigger than the Vietnamese caption;

d. Catalogs, handouts and fine art books describing the exhibition's activities (if available).

2. Apart from the regulations in Clause 1 of this Article, the following conditions shall be required, depending on specific entities:

a. the exhibitions abroad need the invitations or contracts or agreements between the two parties;

b. In case individuals not administered by any organizations/agencies intend to hold exhibitions, they shall be identified by the communal or ward people's committees in term of registered residence;

c. For overseas Vietnamese, they shall be identified by the Committee for Overseas Vietnamese;

d. For foreigners not administered by any agencies or organizations, without an exhibition organizer, they shall be certified by the embassy or consulate of the country where they are residing. In case of organizations or individuals who are citizens of a country not yet establishing diplomatic relations with Vietnam, they shall be certified by an international organization.

3. Organizations or individuals who ask for permission to hold exhibitions shall pay some fees.

Article 10. The assessment of the works and the issuance of license shall be stipulated by the head of the license issuance agencies.

If necessary, the issuance agencies shall be able to establish a consultant council to assist the head of the said agencies in assessing the works. When a consultant council is established, two thirds of its membership shall be technicians and experts of high prestige. Such council shall have at least five members.

Article 11. Organizations or individuals shall have right to claim to the issuance agencies. And if the said agencies provide unsatisfactory replies, they shall claim to higher-level administrators of the said agencies.

Article 12. A gallery is the place where fine art and artistic works are displayed, exhibited and traded. A gallery within a locality shall be certified as qualified in writing by the local Service of Culture and Information. The Gallery shall execute all current regulations of the State on business and cultural activities.

Article 13. Standards to issue the certificate of qualifications for gallery operation.

1. Exhibition area: 15 square meters or larger. Equipped with lighting, electricity, water, fire-fighting devices and certified by the people's committees of the commune or ward where the gallery operation is carried out.

2. For gallery organizers, they must have no previous conviction and offense on the popularization of bad cultural products. They are not under the introduction of pending criminal prosecution or the implementation of a criminal sentence.

Article 14.

1. Organizations or individuals who want to engage in gallery activities shall submit their application to the Service of Culture and Information of the province or centrally-administered city where they open a gallery. The application must be certified by the people's committee in the commune or ward where the gallery is opened in terms of display conditions as stipulated in Clauses 1 and 2, Article 13 of the Regulations. The application shall be attached with:

- Certificate of the right to use the gallery location;

- A copy of the residential registration (for individuals);

- Decision of the establishment of the gallery (for organizations).

2. Within 15 days after full receipt of all legal documents, the Service of Culture and Information shall issue the certificate on qualifications for gallery activities. The said certificate shall be valid for one year.

In case no certificate is issued, an explanation in writing shall be required.

Chapter III

Exhibition Activities

Article 15. The exhibition location shall have an area of 20 square meters or larger, equipped with lighting, electricity, water and fire-fighting devices.

Article 16. The owner of the exhibition location shall be allowed to display the works in the licensed list.

All forms of advertisements and introduction of the exhibition shall be made in the Vietnamese language. If foreign languages are necessary, they shall be printed beneath and not twice bigger than the Vietnamese caption.

Article 17. The trade of the works shall be negotiated and agreed between the authors, or the authorized entities, with the buyers. When selling out the works, the authors shall pay a certain percentage under the contract made with the exhibition organizers and some tax under the current regulations.

The payment to the authors or the owners of the works during the exhibition time (royalties)

shall be negotiated and agreed between the exhibition organizers and the authors or the owners of the works.

During the display, transport, and exhibition arrangement, if the works are damaged, the organizations or individuals causing damages shall compensate. In case of the loss of the works, they shall make compensation to the authors or the owners under the agreement between the two parties.

Chapter IV

Gallery Activities

Article 18. When a gallery organizes an exhibition, it shall execute all regulations on exhibition in the Regulations.

Article 19. No gallery is allowed to display and trade antiques prohibited by the State under the current regulations. In case of reproduced works, they shall be at least 3 cm smaller or bigger in size than the original. The contents and layout shall be kept unchanged. The signature of the reproducers is required below that of the author. The reproduction of works under protection shall be stipulated in the Law on Copyright.

Article 20. The trade of the works in a gallery shall be clearly proved in records and receipts to ensure the interests of the authors and the buyers. If exported, the regulations on the export of cultural products shall be applied.

Article 21. A gallery shall be responsible to compensate the author in case of the loss and damage of the works. The compensation rates shall be agreed between the two parties.

Article 22. A gallery shall be subject to the management of the competent branches under the current regulations.

Chapter V

Implementation Provisions

Article 23. Organizations or individuals engaging in exhibition or gallery activities, when holding fine art exhibitions at home or abroad, shall strictly execute the Regulations.

Article 24. Organizations or individuals who are in breach of the Regulations shall be administratively punished or criminal proceedings shall be taken against them under the current regulations.

Article 25. The Department of Fine Arts (Ministry of Culture and Information), the Services of Culture and Information of the provinces and cities shall be responsible to implement the Regulations.

Article 26. The Regulations shall come into effect within 15 days after the signing date. The Regulations issued by the Ministry of Culture, Information and Sports on fine art exhibitions (paintings and statues) at home and abroad attached to Decision 580/QD-MT on 11 May 1992 by the Ministry of Culture, Information and Sports and the documents by the Department of Fine Arts instructing the implementation of the aforesaid Regulations shall become invalid after the day the Regulations come into effect.

On behalf of the Minister of Culture and Information
Deputy Minister

Nguyen Trung Kien

(signed)

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Wednesday, 16 March 2005 07:00
