

**THE GOVERNMENT**

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No. 131/2013/ND-CP

**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom – Happiness**

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*Hanoi, October 16, 2013*

## **DECREE**

### **ON SANCTIONING ADMINISTRATIVE VIOLATIONS OF COPYRIGHT AND RELATED RIGHTS**

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

*Pursuant to the June 20, 2012, Law on handling administrative violations;*

*Pursuant to the June 14, 2005 Civil Code;*

*Pursuant to the November 29, 2005 Law on Intellectual Property and the June 19, 2009 Law amending and supplementing a number of articles of Law on Intellectual Property;*

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

*The Government promulgates Decree on sanctioning administrative violations of Copyright and related rights,*

#### **Chapter 1.**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation**

1. This Decree provides administrative violations, sanctioning forms and levels, remedial measures, competence to make minutes of administrative violations and competence to sanction administrative violations of copyright and related rights.
2. Other administrative violations of copyright and related rights not specified in this Decree shall comply with provisions on other Government's Decrees on sanctioning administrative violations in the relevant state management domains for sanction.

#### **Article 2. Provision on fines bracket, fines competence for individuals and organizations**

1. The maximum fine level in domain of Copyright and related rights for individuals will be VND 250,000,000, for organizations will be VND 500,000,000.
2. The fines bracket specified in Chapter II of this Decree is fines bracket applied to individuals, except for cases specified in Clauses 1, 2, 3 and 4 Article 5; Clause 1 and point b Clause 2

Article 7 of this Decree. For a same violation, fines bracket applicable to organizations will be equal to twice of the fines bracket applicable to individuals.

3. The competence to impose fines of titles defined in Chapter III of this Decree is the competence applied to individuals. The competence to impose fines for organizations shall be more than twice of the competence to impose for individuals.

### **Article 3. Remedial measures**

Apart from remedial measures specified in points d, dd, e and g Clause 1 Article 28 of the Law on handling of administrative violations, individuals and organizations committing administrative violations of copyright and related rights may also be subject to one or many of the following remedies:

1. Forcible correction of author's name, name of the work, name of performers;
2. Forcible withdrawal of certificate of copyright registration, certificate of related-right registration;
3. Forcibly removing copies of works, performances, phonograms, video recordings, or broadcasts which are infringed in electronic form, on internet and digital environment;
4. Forcible refund of royalties, remuneration, or material benefits obtained from committing violation, to copyright or related right holders.

## **Chapter 2.**

### **ADMINISTRATIVE VIOLATIONS, SANCTIONING FORMS AND REMEDIAL MEASURES**

#### **Article 4. Violations of regulation on registration**

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for failing to return a copyright or related right registration certificate after a competent agency has issued a decision invalidating or revoking it.
2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for declaring untruthfully papers, documents in dossier to be granted a copyright or related right registration certificate.
3. A fine of between VND 5,000,000 and 8,000,000 shall be imposed for using a copyright or related right registration certificate after a competent agency has issued a decision invalidating or revoking it.
4. Remedial measures

Forcible withdrawal of copyright or related right registration certificate for violations specified in Clauses 1, 2, and 3 of this Article.

**Article 5. Violations of regulations on operation of collective representative organizations involving Copyright and related rights**

1. A fine of between VND 500,000 and 1,000,000 shall be imposed for failing to execute the report regime about collective representative operation of Copyright and related rights to competent state agencies in accordance with regulations.
2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for carrying out activities outside the scope of the written entrustment contracts signed with copyright or related right holders.
3. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for carrying out activities without the written entrustment contracts signed with copyright or related right holders.
4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for carrying out activities outside domains already licensed by competent state agency.
5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for operating under the name of a collective representative organization of copyright and related rights.
6. Remedial measures:

Forcible refund of royalties, remuneration, or material benefits obtained from committing violations specified in Clauses 2, 3, 4 and 5 of this Article, to copyright or related right holders.

**Article 6. Violations of regulations on assessment of copyright and related rights**

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for conducting assessment of Copyright and related rights in case they should have refused assessment according to regulations.
2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for making untruthful assessment conclusions for self-seeking purposes.
3. Additional sanction form:

Deprivation of the right to use copyright or related right assessor cards, certificates of copyright or related right assessment organization for between 1 thru 3 months, for violations specified in Clause 1 and Clause 2 of this Article.

**Article 7. Violations of regulation on operation of consultancy and service organizations**

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed for failing to execute the report regime about operation of consultancy and service to competent state agencies in accordance with regulations.
2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for any of the following violations:
  - a) Failing to satisfy conditions of heads of Copyright and related-right consultancy and service organizations in accordance with regulations;
  - b) Using persons who provide consultancy and services of Copyright and related rights but are not eligible in accordance with regulations.
3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for carrying out under the name of a consultancy and service organization activities of copyright and related-right consultancy and service.

#### **Article 8. Acts of transporting, stockpiling the pirated goods**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for transporting goods produced without permission of the copyright or related right holders.
2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for stockpiling goods produced without permission of the copyright or related right holders.
3. Additional sanction form:

Confiscation of material evidence used for committing acts of violation specified in Clause 1 and Clause 2 of this Article.

#### **Article 9. Acts of infringing upon the right to attach one's name to or title works**

1. A fine of between VND 2,000,000 and 3,000,000 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 on copies of the work, phonogram, video recording or broadcast program.
2. Remedial measures:
  - a) Forcible correction publicly on means of mass media about false information for violation specified in Clause 1 of this Article;
  - b) Forcible correction of the name of author, title of the work on copies of the work, phonogram, video recording or broadcast program which contain false information about name of author, title of the work for violation specified in Clause 1 of this Article.

### **Article 10. Acts of infringing upon the right to protect the integrity of works**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for arbitrarily modifying or mutilating a work causing damage to honor and prestige of the author.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for distorting a work causing damage to honor and prestige of the author.

3. Remedial measures:

a) Forcible correction publicly on means of mass media about inaccurate information for violation specified in Clause 1 and Clause 2 of this Article;

b) Forcibly removing copies of the work which is infringed, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for acts specified in Clause 1 and Clause 2 of this Article.

### **Article 11. Acts of infringing upon the right to publicize works**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for publishing the work without permission of the copyright holders in accordance with regulations.

2. Remedial measures:

Forcible correction publicly on means of mass media for violation specified in Clause 1 of this Article.

### **Article 12. Acts of infringing upon the right to make derivative works**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for making derivative works without permission of the copyright holders.

2. Remedial measures:

Forcibly removing copies of the work which is infringed, in electronic form, on internet and digital environment, for violations specified in Clause 1 of this Article.

### **Article 13. Acts of infringing upon the right to allow performing the works to the public**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for live performance of a work to the public without permission of the copyright holders in accordance with regulations.

2. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for performance through audio- or video-recorded programs or whatever technical means accessible by the public without permission of the copyright holder in accordance with regulations.

3. Remedial measures:

Forcibly removing copies of phonogram, video recording, which are infringed, for violation specified in Clause 2 of this Article.

**Article 14. Acts of infringing upon the right to rent originals or copies of cinematographic works or computer programs**

A fine of between VND 5,000,000 and 10,000,000 shall be imposed for renting originals or copies of cinematographic works or computer programs without permission of the copyright holders in accordance with regulations.

**Article 15. Acts of infringing upon the right to distribute works**

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed for distributing the works without permission of the copyright holders.

2. Remedial measures:

Forcibly removing copies of the work which is infringed, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 16. Acts of infringing upon the right to import originals or copies of works**

1. A fine of between VND 200,000,000 and 250,000,000 shall be imposed for importing originals or copies of works without permission of the copyright holders in accordance with regulations.

2. Remedial measures:

a) Forcible re-export of material evidence used for committing acts of violation specified in Clause 1 of this Article;

b) Forcible of destruction of material evidence used for committing acts of violation specified in Clause 1 of this Article in case the remedial measure specified in point a of this Clause is not applied.

**Article 17. Acts of infringing upon the right to communicate works to the public**

1. A fine of between VND 15,000,000 and 30,000,000 shall be imposed for communicating a work to the public by wire or wireless means, electronic information network or any technical means without permission of the copyright holder in accordance with regulations.

2. Remedial measures:

Forcibly removing copies of the work which is infringed, for violation specified in Clause 1 of this Article.

### **Article 18. Acts of infringing upon the right to reproduce works**

1. A fine of between VND 15,000,000 and 35,000,000 shall be imposed for reproducing the works without permission of the copyright holders.

2. Remedial measures:

Forcibly removing copies of the work which is infringed, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

### **Article 19. Acts of forging signatures of authors on the works**

1. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for forging signatures of authors on the works.

2. Remedial measures:

Forcible destruction of material evidence used for committing acts of violation specified in Clause 1 of this Article.

### **Article 20. Acts of infringing upon the right to apply technological solutions to self-protect copyright**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for internationally deleting or modifying copyright management information in electronic form attached to the original or copies of a work.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for intentionally canceling or deactivating technical and technological solutions applied by the copyright holder to protect copyright to his/her work .

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for producing, assembling, mutating, distributing, importing, exporting, selling or renting devices or system to deactivate technical and technological solutions applied by the copyright holder to protect copyright to his/her work.

4. Remedial measures:

a) Forcible re-export of material evidence used for committing acts of violation for import specified in Clause 3 of this Article;

b) Forcible of destruction of material evidence used for committing acts of violation specified in Clause 2 and Clause 3 of this Article in case the remedial measure specified in point a of this Clause is not applied.

### **Article 21. Acts of infringing upon the right to introduce names of performers**

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for failing to state the name or stating a wrong name of the performer on phonogram, video recording or broadcast.

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

3. Remedial measures:

a) Forcible correction publicly on means of mass media or modifying accurate name of the performers for violation specified in Clause 1 of this Article;

b) Forcibly removing copies of phonogram, video recording which are infringed, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 2 of this Article.

### **Article 22. Acts of infringing upon the right to protect the integrity of performed images**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for arbitrarily modifying or mutilating performed images causing damage to honor and prestige of the performer.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for distorting performed images causing damage to honor and prestige of the performer.

3. Remedial measures:

a) Forcible correction publicly on means of mass media for violations specified in Clause 1 and Clause 2 of this Article;

b) Forcibly removing copies of the infringed performance, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for acts specified in Clause 1 and Clause 2 of this Article.

### **Article 23. Acts of infringing upon the right of performers to fix live performances**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for fixing live performance on phonogram or video recording without permission of the right holders of performer.

2. Remedial measures:



Forcibly removing copies of the infringed performance, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 24. Acts of infringing upon the right to reproduce performances**

1. A fine of between VND 15,000,000 and 35,000,000 shall be imposed for act of reproduce a performance already fixed on a phonogram or video recording without permission of the right holder of performer.

2. Remedial measures:

Forcibly removing the infringing element or copies of performance, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 25. Acts of infringing upon the right to broadcast or otherwise communicate unfixed performances to the public**

1. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for broadcasting or otherwise communicating an unfixed performance to the public without permission of the right holder of performer, unless such performance is intended for broadcasting.

2. Remedial measures:

Forcibly removing copies of the infringed performance, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 26. Acts of infringing upon the right to distribute originals or copies of performances to the public**

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed for distributing the original or copies of a performance to the public without consent of the right holder of performer.

2. Remedial measures:

Forcibly removing copies of performance, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 27. Acts of infringing upon the right to reproduce phonograms or video recordings**

1. A fine of between VND 15,000,000 and 35,000,000 shall be imposed for reproducing phonograms or video recordings without permission of the right holders of producers of phonograms or video recordings.

2. Remedial measures:

Forcibly removing copies of phonogram, video recording, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 28. Acts of infringing upon the right to distribute originals or duplicates of phonograms or video recordings to the public**

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed for distributing originals or duplicates of a phonogram or video recording without permission of the right holder of producers of phonograms or video recordings.

2. Remedial measures:

Forcibly removing copies of phonogram, video recording, in electronic form, on internet and digital environment, or forcible destruction of material evidence of violation for act specified in Clause 1 of this Article.

**Article 29. Acts of using phonograms or video recordings already published for commercial purposes**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for using a phonogram or video recording already published for commercial purpose in restaurants, tourist accommodation establishments, stores, supermarkets without paying royalty or remuneration for such use to copyright owner, related-right owner in accordance with regulations.

2. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for any of the following violations:

a) Using a phonogram or video recording already published for commercial purpose to broadcast without paying royalty or remuneration for such use to copyright owner, related-right owner in accordance with regulations;

b) Using a phonogram or video recording already published for commercial purpose in domains of aviation, public traffic and other trading operations without paying royalty or remuneration for such use to owner in accordance with regulations.

3. A fine of between VND 15,000,000 and 25,000,000 shall be imposed for using a phonogram or video recording already published for commercial purpose in karaoke service, post and telecommunication service, digital environment business establishments without paying royalty

or remuneration for such use to copyright owner, related-right owner in accordance with regulations.

4. Remedial measures:

Forcibly removing copies of phonogram, video recording, in electronic form, on internet and digital environment, for acts specified in Clause 2 and Clause 3 of this Article.

**Article 30. Acts of infringing upon the right to broadcast or rebroadcast broadcasts**

1. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for acts of broadcasting or rebroadcasting a broadcast without permission of the right holder of the broadcasting organization.

2. Remedial measures:

Forcibly removing copies of fixed broadcasts which are fringed in electronic form, on the Internet and digital environment for violations specified in Clause 1 of this Article.

**Article 31. Acts of infringing upon the right to distribute broadcasts to the public**

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed for acts of distributing copies of broadcasts without permission of the right holder of the broadcasting organization.

2. Remedial measures:

Forcibly removing copies of broadcasts in electronic form, on the Internet and digital environment, or forcible destruction of material evidence used for committing violations for acts specified in Clause 1 of this Article.

**Article 32. Acts of infringing upon the right to fix broadcasts**

1. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for acts of fixing broadcasts without permission of the right holder of the broadcasting organization.

2. Remedial measures:

Forcibly removing copies of broadcasts in electronic form, on the Internet and digital environment, or forcible destruction of material evidence used for committing violations for acts specified in Clause 1 of this Article.

**Article 33. Acts of infringing upon the right to reproduce broadcasts**

1. A fine of between VND 15,000,000 and 35,000,000 shall be imposed for reproducing a fixed broadcast without permission of the right holder of the broadcasting organization.

2. Remedial measures:

Forcibly removing copies of broadcasts in electronic form, on the Internet and digital environment, or forcible destruction of material evidence used for committing violations for acts specified in Clause 1 of this Article.

**Article 34. Acts of reciting phonograms, video recordings, broadcasts**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for reciting phonograms or video recordings without permission of the right holders of producers of phonograms or video recordings.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for acts of reciting broadcasts without permission of the right holder of the broadcasting organization.

3. Remedial measures:

Forcibly removing copies of phonograms, video recordings, broadcasts which are infringed in electronic form, on the Internet and digital environment, or forcible destruction of material evidence used for committing violations for acts specified in Clause 1 and Clause 2 of this Article.

**Article 35. Acts of infringing upon the right to apply technological solutions to self-protect related rights**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for disengaging or modifying right management information in electronic form without permission of the related right holder.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for intentionally canceling or deactivating technical solutions applied by the related right holder to protect his/her/its related rights.

3. A fine of between VND 10,000,000 and 20,000,000 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.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for producing, assembling, mutating, distributing, importing, exporting, selling or renting devices or system that help illegally decode encrypted program-carrying satellite signals.

5. A fine of between VND 30,000,000 and 40,000,000 shall be imposed for intentionally receiving or relaying encrypted program-carrying satellite signals without permission of the lawful distributor.

6. Remedial measures:

- a) Forcible re-export of material evidence used for committing acts of violation, for acts of import specified in Clause 3 and Clause 4 of this Article;
- b) Forcible of destruction of material evidence used for committing acts of violation specified in Clauses 2, 3, 4 and 5 of this Article in case the remedial measure specified in point a of this Clause is not applied.

### **Chapter 3.**

#### **COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS**

##### **Article 36. Competence to make minutes of administrative violations**

Titles specified in Articles 37, 38, 39 and 40 of this Decree and civil servants, public employees on their duty of inspection and examination, upon detecting administrative violations of copyright and related rights shall be entitled to make minutes of administrative violations in accordance with regulations.

##### **Article 37. Competence to sanction administrative violations of chairpersons of People's Committees of all levels**

1. Chairpersons of the communal People's Committees have right:

- a) To impose fine up to VND 5,000,000;
- b) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;
- c) To apply remedial measures specified in point dd Clause 1 Article 28 of the Law on handling of administrative violations.

2. Chairpersons of the district-level People's Committees have right:

- a) To impose fine up to VND 50,000,000;
- b) Deprive the right to use the practice certificate with a defined term;
- c) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;
- d) To apply remedial measures specified in point dd and point e Clause 1 Article 28 of the Law on handling of administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

3. Chairpersons of the provincial People's Committees have right:

- a) To impose fine up to VND 250,000,000;
- b) Confiscate the right to use the practice certificate with a defined term;
- c) To confiscate material evidence used for committing acts of administrative violation;
- d) To apply remedial measures specified in Article 3 of this Decree.

**Article 38. Competence to sanction administrative violations of Culture, Sports and Tourism inspectorate agencies and other specialized inspectorate agencies**

1. Inspectors of Culture, Sports and Tourism on their duty have rights:

- a) To impose fine up to VND 500,000;
- b) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;
- c) To apply remedial measures specified in point dd Clause 1 Article 28 of the Law on handling of administrative violations.

2. The Chief Inspectors of the provincial Departments of Culture, Sports and Tourism, chiefs of specialized inspectorate teams at Department level have rights:

- a) To impose fine up to VND 50,000,000;
- b) Confiscate the right to use the practice certificate with a defined term;
- c) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;
- d) To apply remedial measures specified in Article 3 of this Decree.

3. The Chiefs of specialized inspectorate teams at Ministerial level have rights:

- a) To impose fine up to VND 175,000,000;
- b) Confiscate the right to use the practice certificate with a defined term;
- c) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;
- d) To apply remedial measures specified in Article 3 of this Decree.

4. The Chief Inspector of the Ministry of Culture, Sports and Tourism has rights:

- a) To impose fine up to VND 250,000,000;
- b) Confiscate the right to use the practice certificate with a defined term;
- c) To confiscate material evidence used for committing acts of administrative violation;
- d) To apply remedial measures specified in Article 3 of this Decree.

5. Competence to sanction administrative violations of other specialized inspectorate agencies

Inspectors and chief inspectors of specialized inspectorate agencies and persons, agencies assigned task of other specialized inspection have competence to sanction against administrative violations of copyright and related rights under their state management sectors specified in Chapter II of this Decree.

**Article 39. Competence to sanction administrative violations of People's Public Security**

- 1. People's policemen on their duty have right to impose a fine up to VND 500,000.
- 2. Heads of police posts and heads of people's policemen as prescribed in Clause 1 of this Article have right to impose a fine up to VND 1,500,000.
- 3. Commune-level police heads, heads of police stations, and heads of border-gate or export-processing zone police posts have rights:
  - a) To impose fine up to VND 2,500,000;
  - b) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;
  - c) To apply remedial measures specified in point dd Clause 1 Article 28 of the Law on handling of administrative violations.
- 3. District-level police heads, Directors of provincial police sections including Directors of police sections for administrative management of social order, heads of police sections for investigation of social order-related crimes, directors of police sections for investigation of economic management order and position-related crimes, directors of Internal Political Security sections, directors of economic security sections, directors of cultural and thought security sections, directors of information security sections, directors of immigration management sections have rights:
  - a) To impose fine up to VND 25,000,000;
  - b) Confiscate the right to use the practice certificate with a defined term;

c) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;

d) To apply remedial measures specified in point dd and point e Clause 1 Article 28 of the Law on handling of administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

4. Directors of provincial-level Police Departments have rights:

a) To impose fine up to VND 50,000,000;

b) Confiscate the right to use the practice certificate with a defined term;

c) Confiscate material evidence used for committing acts of administrative violation with value not exceeding the fine level specified in point a of this Clause;

d) To apply remedial measures specified in point dd and point e Clause 1 Article 28 of the Law on handling of administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

5. The director of Department of Internal Political Security, director of Department of Economic Security, Director of Department of cultural and thought security, director of Department of information security, 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 Position-Related Crimes, the director of the Police Department for preventing and combating crimes using high technologies, the director of the Immigration Management Department have rights:

a) To impose fine up to VND 250,000,000;

b) Confiscate the right to use the practice certificate with a defined term;

c) To confiscate material evidence used for committing acts of administrative violation;

d) To apply remedial measures specified in point dd and point e Clause 1 Article 28 of the Law on handling of administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

#### **Article 40. Competence to sanction administrative violations of Border guards, Maritime Polices, Customs agencies and market management agencies**

1. Persons competent to sanction of border guards have competence to sanction administrative violations and apply remedial measures for administrative violations specified in this Decree in accordance with Article 40 of the Law on handling of administrative violations.

2. Persons competent to sanction of maritime polices have competence to sanction administrative violations and apply remedial measures for administrative violations specified in this Decree in accordance with Article 41 of the Law on handling of administrative violations.



3. Persons competent to sanction of customs agencies have competence to sanction administrative violations and apply remedial measures for administrative violations specified in this Decree in accordance with Article 42 of the Law on handling of administrative violations.

4. Persons competent to sanction of market management agencies have competence to sanction administrative violations and apply remedial measures for administrative violations specified in this Decree in accordance with Article 45 of the Law on handling of administrative violations.

#### **Chapter 4.**

### **PROVISIONS OF IMPLEMENTATION**

#### **Article 41. Effect**

1. This Decree takes effect on December 15, 2013.

2. The Government's Decree No. 47/2009/ND-CP, dated May 13, 2009, on sanctioning administrative violations on copyright, related rights and Decree No. 109/2011/ND-CP dated December 02, 2012, amending and supplementing a number of Articles of Government's Decree No. 47/2009/ND-CP, dated May 13, 2009, on sanctioning administrative violations on copyright, related rights cease to be effective on the effective date of this Decree.

#### **Article 42. Transitional provisions**

For acts of administrative violations in domain of copyright and related rights which happened before July 01, 2013, and are detected after that or are being considered for settlement, provisions beneficial for the infringing organizations and individuals are applied.

#### **Article 43. Responsibility for implementation of the Decree**

1. The Ministry of Culture, Sports and Tourism shall assume the prime responsibility for, and coordinate with relevant Ministries and sectors in guiding and organizing implementation of this Decree.

2. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, chairpersons of People's Committees of provinces and central-affiliated cities shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**