

## THE GOVERNMENT

### **Decree No. 72/2013/ND-CP of July 15, 2013, on the management, provision and use of Internet services and online information**

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

*Pursuant to the November 23, 2009 Law on Telecommunications;*

*Pursuant to the June 29, 2006 Law on Information Technology;*

*Pursuant to the December 28, 1989 Press Law and the June 12, 1999 Law Amending and Supplementing a Number of Articles of the Press Law;*

*Pursuant to the November 20, 2012 Law on Publication;*

*At the proposal of the Minister of Information and Communications;*

*The Government promulgates the Decree on the management, provision and use of Internet services and online information.*

#### **Chapter I**

#### **GENERAL PROVISIONS**

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

This Decree details the management, provision and use of Internet services, online information and online games; assurance of information safety and security; rights and obligations of organizations and individuals involved in the management, provision and use of Internet services, online information and online games, and in the assurance of information safety and security.

##### **Article 2.** Subjects of application

This Decree applies to Vietnamese and foreign organizations and individuals directly engaged in or related to the management, provision and use of Internet services, online information, and online games, and assurance of information safety and security.

##### **Article 3.** Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Network means telecommunications network (fixed, mobile, Internet) and computer network (WAN, LAN).
2. Internet service means a form of telecommunications service, including Internet access service and Internet connection service:

a/ Internet access service means a service that provides Internet users with access to the Internet;

b/ Internet connection service means a service that allows Internet access service providers and telecommunications application service providers to connect with one another to convey Internet load.

3. Internet exchange point means a system of telecommunications devices set up by an organization or enterprise to provide the Internet connection service.

4. Internet service provider means a telecommunications enterprise that provides Internet services defined in Clause 2 of this Article.

5. Internet agent means an organization or individual that provides the Internet access service for users under Internet agent contracts with an Internet access service provider to enjoy commission, or resell the Internet access service to enjoy price differences.

6. Public Internet access points include:

a/ Locations that an Internet agent has the lawful right to use for service provision;

b/ Public Internet access points of an enterprise under the direct management of member units or individuals who represent an Internet service provider where the Internet access service is provided to Internet users;

c/ Public Internet access points in hotels, restaurants, airports, harbors, bus stations, coffee shops and other public places, which organizations and individuals have the lawful right to use for providing Internet access services to Internet users.

7. Internet user means an organization or individual that enters into a service contract with an Internet access service provider or a public Internet access point for use of applications and services on the Internet.

8. Internet resources include the names and numbers under the management of Vietnam, including:

a/ The country domain name “.vn” and other domain names related to Vietnam’s national interests; Internet addresses, network codes, names and other numbers that are allocated by international organizations to Vietnam via Vietnam Internet Network Information Center (VNNIC);

b/ International domain names and other Internet addresses, network codes, names and numbers that are allocated by international organizations to organizations and individuals in Vietnam.

9. Online game service (below referred to as game service) means the provision of access to the Internet and online games to players.

10. Online game service provider (below referred to as game service provider) means an enterprise established under Vietnamese law that provides game services through establishing a system of equipment and the legal use of game software.

11. Public gaming point means a place where an organization or individual has the lawful right to use for providing players with access to the Internet and electronic games by establishing a system of equipment at such place.

12. Online game player (below referred to as player) means an individual who enters into a contract with a game service provider or a public gaming point to play electronic games.

13. Online information means information stored, transmitted, collected and processed via the Internet.

14. Public information means online information of an organization or individual that is publicized without requiring specific identifications or addresses of recipients.

15. Private information means online information of an organization or individual that is not publicized by that organization or individual, or only provided to a single recipient or publicized among a group of recipients with specific identifications and addresses.

16. Personal information means information associated with the identification of individuals, including names, ages, addresses, people's identity card numbers, phone numbers, email addresses and other information defined by law.

17. Information content service means the provision of public information to service users.

18. Official source means information published on Vietnamese press or websites of Party and state agencies according to the laws on press and intellectual property.

19. Aggregated information means information that is collected from multiple sources and types of information about politics, economics, culture and/or society.

20. Information system means a combination of telecommunications and information technology equipment, including hardware, software and database serving the storage, processing, transmission, sharing, exchange, provision and use of information.

21. Website means an information system used for establishing one or multiple pages of information that are displayed in the form of symbols, digits, text, image and sound and other forms of information serving the provision and use of information on the Internet.

22. Social network means an information system that provides its users with such services as storage, provision, use, search, sharing and exchange of information, including the provision of the service of creating private websites, forums, online chat rooms, audio and video sharing, and other similar services.

23. Information safety means the protection of information and information systems from illegal access, use, revelation, interruption, alteration or destruction in order to ensure the integrity, security and utility of information.

24. Information security means the assurance that online information does not undermine national security, social order and safety, state secrets, and the rights and lawful interests of organizations and individuals.

**Article 4.** Policies on the development and management of Internet and online information

1. Promoting the use of Internet in all economic and social activities, especially in education and training, health care, and scientific and technological research in order to raise productivity, create jobs and improve the quality of life.

2. Encouraging the development of contents and applications in Vietnamese to serve the Vietnamese community on the Internet. Intensifying the upload of healthy and useful information to the Internet.

3. Developing broadband Internet infrastructure to schools, hospitals, research institutes, libraries, state agencies, enterprises, public Internet access points, and households. Attaching importance to the universalization of Internet services in rural areas, deep-lying and remote areas, border areas, islands, and areas facing extreme socio-economic difficulties.

4. Preventing the abuse of the Internet to affect national security and social order and safety, violate ethics, fine traditions and customs and law. Taking measures to protect children, adolescents and young people from negative impacts of the Internet.
5. Ensuring that only legal information under Vietnamese law is transmitted, even across the border, to Internet users in Vietnam.
6. Encouraging and facilitating the use of “.vn” domain names, domain names in Vietnamese, and shifting to addresses using IPv6 technology.
7. Promoting international cooperation on the Internet on the basis of respect for independence, sovereignty, equality, mutual benefits, and conformity with Vietnamese law and the treaties to which the Socialist Republic of Vietnam is a contracting party.

**Article 5.** Prohibited acts

1. Abusing the provision and use of Internet services and online information for:
  - a/ Opposing the State of the Socialist Republic of Vietnam; undermining the national security and social order and safety; sabotaging the great national unity bloc; conducting propaganda about wars and terrorism; sowing hatred and contradictions among nations, races and religions;
  - b/ Propagating and inciting violence, obscenity, pornography, crimes, social vices and superstition; harming the national fine traditions and customs;
  - c/ Disclosing state secrets, military, economic and diplomacy secrets, and other secrets provided by law;
  - d/ Providing information distorting, slandering or offending the prestige of organizations or honor and dignity of individuals;
  - dd/ Advertising, propagating and trading in banned goods or services; spreading banned newspaper articles, literary and art works and publications;
  - e/ Impersonating other organizations and individuals and spreading false and untruthful information that infringes upon the rights and lawful interests of other organizations and individuals.
2. Illegally obstructing the lawful provision of and access to information, the provision and use of lawful services on the Internet by other organizations and individuals.

3. Illegally obstructing the operation of “.vn” domain name system servers (DNS servers), and lawful operation of Internet service and online information provision systems.

4. Illegally using passwords of other organizations and individuals; private information, personal information and Internet resources.

5. Creating illegal links to lawful domain names of other organizations and individuals; creating, installing and spreading malware or computer virus; illegally accessing or taking control of information systems; creating attack tools on the Internet.

## Chapter II

### MANAGEMENT, PROVISION AND USE OF INTERNET SERVICES, INTERNET RESOURCES

#### Section 1

#### INTERNET SERVICES

##### **Article 6.** Licensing the provision of Internet services

1. Enterprises may provide internet services only after obtaining a license to provide telecommunications services being Internet services.

2. The grant, modification, supplementation, extension, revocation, and re-grant of licenses to provide Internet services comply with Articles 35, 36, 38 and 39 of the Law on Telecommunications, Articles 18, 23, 24 and 28 of the Government’s Decree No. 25/2011/ND-CP of April 6, 2011, detailing a number of articles of the Law on Telecommunications.

##### **Article 7.** Rights and obligations of Internet service providers

In addition to the rights and obligations of telecommunications service providers specified in Clause 1, Article 14 of the Law on Telecommunications, Internet service providers have the following obligations:

1. Before the official provision of Internet services, to send notices of official Internet service provision to the Ministry of Information and Communications (the Vietnam Telecommunications Authority) according to regulations of the Ministry of Information and Communications;

2. To register the forms of Internet agent contract and internet service provision and use contracts with the Ministry of Information and Communications (the Vietnam Telecommunications Authority).

**Article 8.** Conditions for operation of public Internet access points

1. An Internet agent may operate when fully meeting all the following conditions:

- a/ Having registered the Internet agent business;
- b/ Having signed an Internet agent contract with an Internet access service provider;
- c/ Complying with Clause 1, Article 35 of this Decree, in case of providing game services.

2. Owners of public Internet access points of enterprises are not required to register the Internet agent business and sign Internet agent contracts. If providing game services, they shall comply with Clause 1, Article 35 of this Decree.

3. Owners of public Internet access points in hotels, restaurants, airports, harbors, bus stations, coffee shops and other public places, when providing the Internet access service to users within these places, shall:

- a/ Not register the Internet agent business and sign Internet agent contracts if providing the service free of charge;
- b/ Register the Internet agent business and sign Internet agent contracts if providing the service at a charge.

**Article 9.** Rights and obligations of owners of public Internet access points

1. Internet agents have the following rights and obligations:

- a/ To establish a system of terminal devices at the place they have the right to use for providing the Internet access service to users at that place;
- b/ To put up the sign “Internet agent” displaying the Internet agent business registration number;
- c/ To post up the regulations on Internet service use in noticeable positions, stating the prohibited acts specified in Article 5 of this Decree, and the rights and obligations of Internet users specified in Article 10 of this Decree;
- d/ To provide the Internet access service with quality and at a charge stated in the Internet agent contract;

dd/ The rights and obligations of owners of public gaming points specified in Article 36 of this Decree, if providing the online game service;

e/ Not to organize or allow Internet users to use computers at their business places to commit the prohibited acts specified in Article 5 of this Decree;

g/ To request the enterprise that signs the Internet agent contract to provide guidance and information about the Internet access service, and submit to the inspection and supervision by that enterprise;

h/ To attend training programs on Internet organized by local state management agencies and Internet service providers;

i/ To comply with the regulations on information safety and security.

2. Owners of public Internet access points of enterprises have the following rights and obligations:

a/ To put up the sign “Public Internet access point” displaying the name of the enterprise and serial number of its license to provide internet services;

b/ The rights and obligations specified at Points a, c, dd, e, h and i, Clause 1 of this Article.

3. Owners of public Internet access points in hotels, restaurants, airports, harbors, bus stations, coffee shops, and other public places where the Internet access service is provided at a charge have the following rights and obligations:

a/ To observe the opening and closing hours of the places;

b/ The rights and obligations specified at Points a, c, d, e, g, h and i, Clause 1 of this Article.

4. Owners of public Internet access points in hotels, restaurants, airports, harbors, bus stations, coffee shops, and other public places where the Internet access service is provided free of charge have the following rights and obligations:

a/ To observe the opening and closing hours;

b/ The rights and obligations specified at Points a, c, e, h and i, Clause 1 of this Article.

#### **Article 10.** Rights and obligations of Internet users

In addition to the rights and obligations specified in Clause 1, Article 16 of the Law on Telecommunications, Internet users have the following rights and obligations:

1. To use services on the Internet, except the services banned by law.



2. To observe the operating hours of public Internet access points.
3. Not to resell Internet services in any form.
4. To comply with the provisions on information safety and security assurance and other relevant provisions of this Decree.

**Article 11.** Internet connection

1. Internet service providers may directly connect with the international network, with one another, and Internet exchange points.
2. Vietnam National Internet exchange (VNIX) is the Internet exchange point of Vietnam Internet Network Information Center, which is established by the Ministry of Information and Communications to support:
  - a/ The assurance of safety for the operation of Vietnam's entire Internet network when the domestic and international telecommunications networks have incidents;
  - b/ The establishment of a national network to experiment IPv6;
  - c/ The connection with regional and international Internet exchange points;
  - d/ The connection of Internet service providers for not-for-profit purpose in order to raise quality and reduce service charges.
3. The Ministry of Information and Communications shall:
  - a/ Promulgate specific regulations on the operation of VNIX;
  - b/ Promulgate mechanisms and policies to help Internet service providers connect with one another, with VNIX and other Internet exchange points.

Section 2

INTERNET RESOURCES

**Article 12.** Domain name registration

1. The Ministry of Information and Communications shall manage “.vn” country domain names and international domain names allocated to organizations and individuals in Vietnam by international organizations.
2. All organizations and individuals may register “.vn” country domain names and international domain names.
3. “.vn” country domain names are registered at “.vn” domain name registrars.
4. The registration of “.vn” country domain names must adhere to the following principles:

- a/ Equity and non-discrimination;
- b/ First come - first serve, except domain names reserved for auction under law;
- c/ Conformity with the provisions on protection of “.vn” country domain names in Article 68 of the Law on Information Technology;
- d/ Conformity with the provisions on auction and transfer of the right to use domain names in the Law on Telecommunications.

5. Domain names registered by organizations and individuals may not contain phrases that infringe upon the national interests or are contrary to social ethics and national fine traditions and customs; must be serious in order avoid misunderstanding or distortion due to the polysyllabicity and polysemy or when using no Vietnamese tone marks.

6. The domain names that are names of Party organizations and state agencies may be used by these organizations and agencies only; other organizations and individuals may not register and use these domain names.

7. The Ministry of Information and Communications shall specify the conditions, process and procedures for registering and revoking “.vn” country domain names.

**Article 13.** The system of “.vn” DNS servers

1. The system of “.vn” DNS servers is a technical system that ensures the operation of “.vn” domain names on the Internet. The Ministry of Information and Communications (Vietnam Internet Network Information Center) shall establish, manage and operate the system of “.vn” DNS servers.

2. Internet service providers shall coordinate in connecting and routing in order to ensure the safe and stable operation of the system of “.vn” DNS servers.

**Article 14.** “.vn” domain name registrars

1. “.vn” domain registrars are enterprises that provide “.vn” domain name registration and maintenance services.

2. A “.vn” domain registrar may provide services when fully meeting the following conditions:

- a/ Being an enterprise established in accordance with Vietnamese law, or an overseas organization signing a contract with an accredited registrar of the Internet Corporation for Assigned Names and Numbers (ICANN);

- b/ Having registered the business of providing domain name registration services;

c/ Having sufficient personnel and technical capacity for providing domain name registration and maintenance services;

d/ Having signed a contract with Vietnam Internet Network Information Center to become a “.vn” domain registrar.

3. A “.vn” domain registrar has the following rights and obligations:

a/ To organize the registration and maintenance of domain names in accordance with law;

b/ To sufficiently and accurately store information about the organizations and individuals that have registered domain names according to regulations of the Ministry of Information and Communications;

c/ To establish a system of DNS servers and a technical system for service provision and take measures for ensuring safety for domain names and domain name data of organizations and individuals;

d/ To be provided with guidance and information on domain name registration; to be subject to the supervision and inspection by the Ministry of Information and Communications;

dd/ To refuse to provide services to organizations and individuals that fail to comply with the regulations on domain name registration;

e/ To suspend operation and revoke domain names at the request of competent state management agencies;

g/ To use primary DNS servers that use “.vn” domain names when providing services, for domestic “.vn” domain registrars;

h/ To formulate and publicize application forms, process and procedures for domain name registration according to regulations of the Ministry of Information and Communications;

i/ To report to, provide information and cooperate with competent state management agencies according to regulations.

**Article 15.** International domain name registrars in Vietnam

1. International domain name registrars in Vietnam are enterprises that provide international domain name registration and maintenance services in Vietnam.

2. An international domain name registrar may provide services when fully meeting the following conditions:

- a/ Being an enterprise established in accordance with Vietnamese law;
- b/ Having registered the business of providing domain name registration services;
- c/ Having signed a contract with ICANN or an accredited registrar of ICANN to provide international domain name registration services in Vietnam.

3. An international domain name registrar has the following rights and obligations:

- a/ To manage information about organizations and individuals in Vietnam that register international domain names, including name, head office address, phone number, fax number and email address, for organizations; date of birth, ID number and date of issue, permanent residence address, phone number and email address, for individuals;
- b/ To instruct organizations and individuals that register international domain names to use international domain names according to regulations of the Ministry of Information and Communications;
- c/ To send reports to the Ministry of Information and Communications according to regulations;
- d/ To provide information and cooperate with competent state management agencies in settling cases related the international domain names under their management.

**Article 16.** Settlement of disputes over domain names

1. Disputes over the registration and use of “.vn” country domain names are settled through:

- a/ Negotiation and conciliation;
- b/ Arbitration;
- c/ Court lawsuit.

2. Grounds for settling a dispute over a domain name at the request of the plaintiff:

- a/ The domain name under dispute is identical or confusingly similar to the domain name of the plaintiff; identical or confusingly similar to a trademark or service brand name over which the plaintiff has the rights or lawful interests;
- b/ The respondent has no right or lawful interest related to the domain name;
- c/ The respondent leases out or transfers the domain name to the plaintiff who owns the name, trademark or service brand name that is identical or confusingly similar to the domain name; leases out or transfers the domain name to a competitor of the plaintiff for self-seeking purposes or for illicit profit;

d/ The respondent appropriates the domain name or prevents the plaintiff who owns the name, trademark or service brand name from registering the corresponding domain name for unhealthy competition purposes;

dd/ The defendant uses the domain name to harm the reputation of the plaintiff, obstruct the business of the plaintiff, or cause confusion and destroy the trust of the public in the name, trademark or service brand name of the plaintiff for unhealthy competition purposes;

e/ Other cases in which the respondent's use of the domain name is proved to have violated the rights and lawful interests of the plaintiff.

3. The respondent is considered having the rights and lawful interests related to the domain name if meeting one of the following conditions:

a/ Having used or having clear evidence that he/she/it is preparing to use the domain name or the corresponding name for the real provision of products, goods or services before the dispute arises.

b/ Being known to the public for the domain name though having no right to trademark or goods or service brand name;

c/ Having been using the domain name lawfully for non-commercial purposes or having used the domain name legitimately for non-commercial purposes or without causing public misunderstanding or confusion, which affects the name, trademark or goods or service brand name of the plaintiff;

d/ Having other proof of the legitimacy of the domain name of the respondent.

4. The “.vn” domain name management agency shall settle disputes over domain names in accordance with the records of successful conciliation between disputing parties, or the legally effective awards of the arbitration body, or the legally effective judgments or decisions of the court.

**Article 17.** Allocation, issuance and revocation of Internet addresses and network codes

1. The Ministry of Information and Communications shall register Internet addresses and network codes with international organizations; allocate Internet addresses and network codes to Internet service providers and other Internet address members in Vietnam.

2. Internet service providers may issue the Internet addresses allocated to them to their Internet subscribers.

3. Organizations and enterprises that receive Internet addresses and network codes directly from international organizations shall make reports to and comply with relevant regulations of the Ministry of Information and Communications.

4. The Ministry of Information and Communications shall specify the conditions, process and procedures for the registration, allocation, issuance and revocation of Internet addresses and network codes.

**Article 18.** Promotion of application of IPv6 technology

1. IPv6 technology is in the list of high technologies prioritized for development investment. The research into, production and import of equipment, software, and application of IPv6 technology enjoy incentives and supports prescribed by the Law on High Technologies.

2. Internet service providers are encouraged and provided with conditions to invest in the development of network systems using IPv6 technology.

3. When state agencies invest in or procure new equipment connected to the Internet, they shall ensure that such equipment supports IPv6 technology according to regulations of the Ministry of Information and Communications.

4. The Ministry of Information and Communications shall assume the prime responsibility for, and coordinate with related ministries and sectors in, formulating policies on the support for and a roadmap to ensure all telecommunications and information technology equipment and software connected to the Internet that are produced in Vietnam or imported into Vietnam apply IPv6 technology, proceeding to totally stop the production and import of equipment and software that do not support IPv6 technology.

5. The Ministry of Education and Training shall guide the incorporation of the content on IPv6 technology into training programs of information and communication technology universities and colleges.

**Article 19.** Rights and obligations of organizations and individuals that use Internet resources

1. Organizations and individuals that register and use “.vn” country domain names have the following rights and obligations:

a/ To take responsibility before law for the accuracy and truthfulness of registration information, without infringing upon the rights and lawful interests of other organizations and individuals;

b/ To take responsibility for the management and use of their domain names in accordance with law.

2. Organizations and individuals that use international domain names shall send notices to the Ministry of Information and Communications under Article 23 of the Law on Information Technology. The Ministry of Information and Communications shall specify the process and procedures for notifying the use of international domain names.

3. Organizations that use Internet addresses and network codes shall route and use the Internet addresses and network codes according to regulations of the Ministry of Information and Communications.

4. Organizations and individuals that use Internet resources shall provide information and cooperate with competent state management agencies at the latter's request.

5. Organizations and individuals that use Internet resources shall pay registration fees and Internet resource maintenance charges as prescribed.

### Chapter III

## MANAGEMENT, PROVISION AND USE OF ONLINE INFORMATION

### Section 1

#### GENERAL PROVISIONS

#### **Article 20.** Website classification

Websites are classified as follows:

1. Online newspapers in the form of websites.

2. Aggregated information websites are websites of agencies, organizations and enterprises that post aggregated information cited textually and accurately from official sources and specify the names of the authors or agencies of the official sources, and the time when such information is published.

3. Internal websites are websites of agencies, organizations and enterprises that post information about the functions, tasks, powers, organizational apparatus, services, products, business lines, and other information serving their operation, and do not post aggregated information.

4. Private websites are websites established by individuals or established via social networks to provide and exchange information of their own, not representing other organizations and individuals, and do not provide aggregated information.

5. Specialized websites are websites of agencies, organizations and enterprises that provide applications for telecommunications, information technology, radio and television, commerce, finance, banking, culture, health care, education and other specialized fields, and do not post aggregated information.

**Article 21.** Management, provision and use of online information

1. The management, provision and use of online information in the form of online newspapers, electronic publications and online advertisements must comply with the laws on press, publication and advertising.

2. The management, provision and use of online information in the form of social networks and aggregated information websites must comply with Section 2, Chapter III and relevant provisions of this Decree.

3. The management, provision and use of information content services on mobile telecommunications networks must comply with Section 3, Chapter III and relevant provisions in this Decree.

4. The management, provision and use of information content on specialized websites must comply with specialized laws and relevant provisions of this Decree.

5. Organizations and individuals shall take responsibility for the information they store, transmit, provide or spread online.

6. Private information of organizations and individuals must be kept confidential in accordance with law. The control of private information online is carried out by competent state management agencies in accordance with law.

7. Organizations and enterprises that provide online services may not reveal personal information of service users, except in the following cases:

a/ The users agree to provide information;

b/ Organizations and enterprises reach written agreements on the provision of personal information to calculate charges, make invoices and documents, and prevent shirking of contractual obligations;

c/ At the request of competent state management agencies as prescribed by law.



8. Organizations and individuals engaged in the management, provision and use of online information shall protect state secrets in accordance with law. Organizations and individuals shall encrypt the information classified as state secrets when storing and transmitting them online.

**Article 22.** Provision of public information across the border

1. Foreign organizations, enterprises and individuals that provide public information across the border, which is used in Vietnam or accessed from Vietnam, shall comply with Vietnam's relevant laws.

2. The Ministry of Information and Communications shall provide in detail the provision of public information across the border.

Section 2

**WEBSITES AND SOCIAL NETWORKS**

**Article 23.** Management of the establishment of websites and social networks

1. Electronic newspapers in the form of websites may be established and operate in accordance with the press law.

2. Specialized websites may be established and operate in accordance with specialized laws and relevant provisions of this Decree.

3. Private websites and internal websites must comply with the regulations on registration and use of Internet resources, and relevant provisions of this Decree.

4. Organizations and enterprises may establish aggregated information websites and social networks only after obtaining a license to establish an aggregated information website or a social network.

5. An organization or enterprise is licensed to establish an aggregated information website or a social network when fully meeting the following conditions:

a/ The organization or enterprise is established within Vietnamese law and its functions, tasks, or registered business lines are conformable with the services and information provided;

b/ Having managerial personnel meeting the requirements set by the Ministry of Information and Communications;

c/ Having registered a domain name to establish the website or social network;

d/ Having financial and technical capacity, organizational structure and personnel suitable to the scale of operation;

dd/ Having measures to assure information safety and security.

6. The validity duration of a license to establish an aggregated information website or a social network depends on the demand of the applying organization or enterprise, but must not exceed 10 years.

7. The Ministry of Information and Communications shall grant licenses to establish social networks.

8. The Authority of Broadcasting and Electronic Information - the Ministry of Information and Communications shall grant licenses to establish aggregated information websites to press agencies, diplomatic and consular agencies, organizations attached to the central Government, religious organizations that operate legally in Vietnam; and foreign governmental and non-governmental organizations that legally operate in Vietnam; provincial-level Information and Communications Departments, and other agencies and organizations according to regulations of the Ministry of Information and Communications.

9. Provincial-level Information and Communications Departments shall grant licenses to establish aggregated information websites to organizations and enterprises not mentioned in Clause 8 of this Article.

10. The Ministry of Information and Communications shall specify the conditions, process and procedures for granting, modifying, extending, revoking, and re-granting licenses to establish aggregated information websites and licenses to establish social networks.

11. The Ministry of Finance shall coordinate with the Ministry of Information and Communications in imposing fees for the grant of licenses to establish aggregated information websites and licenses to establish social networks.

**Article 24.** Rights and obligations of organizations and enterprises that establish aggregated information websites have the following rights and obligations:

1. To establish aggregated information websites to aggregate and provide information to the public in accordance with law;
2. To have at least one server system in Vietnam serving the inspection, storage, and provision of information at the request of competent state management agencies, and settlement of customers' complaints about the service provision according to regulations of the Ministry of Information and Communications;
3. To formulate a process for public information management;
4. To check, supervise and remove public information that violates Article 5 of this Decree when finding it by themselves or at the request of competent state management agencies.
5. To comply with the intellectual property law concerning the provision and use of information;
6. To store the information for at least 90 days from the date it is posted on the website;
7. To make reports according to regulations and submit to the inspection and supervision by competent state management agencies.

**Article 25.** Rights and obligations of organizations and enterprises that establish social networks Organizations and enterprises that establish social networks have the following rights and obligations:

1. To provide social network services for the public, except services banned by law;
2. To publicize the agreements on provision and use of social network services;
3. To take measures for protecting private and personal information of users; to notify users of their rights, obligations and risks when storing, exchanging and sharing information online;
4. To assure the right to make decisions of users when they allow their personal information to be provided for other organizations, enterprises and individuals;
5. Not to provide public information that violates Article 5 of this Decree;
6. To coordinate with competent state management agencies in removing or blocking information that violates Article 5 of this Decree at their request.
7. To provide private and personal information of users relating to terrorism, crime and violations of law at the request of competent state management agencies;

8. To have at least one server system in Vietnam serving the inspection, supervision, storage, and provision of information at the request of competent state management agencies, and settlement of customers' complaints about the service provision according to regulations of the Ministry of Information and Communications;
9. To register, store and manage personal information of the persons that establish private websites and other information providers on social networks according to regulations of the Ministry of Information and Communications. To ensure that only persons who sufficiently and accurately provide their personal information are allowed to establish private websites or provide information on social networks;
10. To make reports according to regulations to and subject to the inspection and supervision by competent state management agencies.

**Article 26.** Rights and obligations of social network users

In addition to the rights and obligations of Internet users provided in Article 10 of this Decree, social network users have the following rights and obligations:

1. To use services of social networks, except services banned by law.
2. To have their private and personal information kept confidential in accordance with law.
3. To comply with the Regulation on management, provision and use of social network services.
4. To take responsibility for the information they store, provide and transmit on social networks, or spread via direct links they establish.

Section 3

PROVISION OF INFORMATION CONTENT SERVICES ON MOBILE TELECOMMUNICATIONS NETWORKS

**Article 27.** Provision of information content services on mobile telecommunications networks

1. Organizations and enterprises may only provide information content services on mobile telecommunications networks after registering the provision of information content services on mobile telecommunications networks according to regulations of the Ministry of Information and Communications.

2. Conditions for registering the provision of information content services on mobile telecommunications networks:

a/ The organization or enterprise is established under Vietnamese law and has the function and task of providing online information content services or has registered the business line of providing these services;

b/ Having sufficient financial and technical capacity, organizational structure and personnel suitable to the operation scale;

c/ Having measures for ensuring information safety and security;

3. The Ministry of Information and Communications shall specify the process and procedure for registering the provision of information content services on mobile telecommunications networks, the connection between providers of online information content services and mobile telecommunications enterprises, and promulgate other regulations relating to the management, provision and use of information services on mobile telecommunications networks.

**Article 28.** Rights and obligations of providers of information content services on mobile telecommunications networks

Providers of information content services on mobile telecommunications networks have the following rights and obligations:

1. To install equipment systems at the locations which they have the right to use in accordance with law, and hire telecommunications transmission lines to connect to telecommunications enterprises.

2. To have at least one server system in Vietnam serving the inspection, supervision, storage, and provision of information at the request of competent state management agencies, and settlement of customers' complaints about the service provision according to regulations of the Ministry of Information and Communications;

3. To be allocated telecommunications numbers and Internet resources according to the master plan and regulations on telecommunications resource management;

4. To provide information content services in accordance with relevant laws;

5. To issue the process, regulations and procedures for providing and using the services and settling complaints in accordance with the provisions on management, storage and

transmission of digital information of the Law on Information Technology and the anti-spam law;

6. To provide the services with the quality and at charges already notified to service users;

7. To make reports according to regulations and submit to the inspection and supervision by competent state management agencies.

**Article 29.** Rights and obligations of mobile telecommunications enterprises

Mobile telecommunications enterprises have the following rights and obligations:

1. To cooperate with providers of information content services on mobile telecommunications networks on the following principles:

a/ Negotiation on the basis of assuring equality, reasonability and the rights and interests of all parties;

b/ Efficient use of telecommunications resources and telecommunications infrastructure;

c/ Safe and uniform operation of telecommunications networks;

d/ Protection of the rights and lawful interests of telecommunications service users and related organizations and individuals;

dd/ Provision of connection for providers of information content services on mobile telecommunications networks at any technically feasible position on the telecommunications network. The connection must be prompt, reasonable, public and transparent;

e/ Non-discrimination in terms of connection, charge rates, payment, standards and technical regulations, quality of networks and telecommunications services.

2. To refuse to connect with organizations and enterprises that do not register the provision of information content services on mobile telecommunications networks according to Clause 1, Article 27 of this Decree;

3. To suspend or disconnect with providers of information content services on mobile telecommunications networks that violate the regulations on service provision at the written request of competent state management agencies;

4. To coordinate with providers of information content services on mobile telecommunications networks in settling customers' complaints or disputes over charge rates and service quality;

5. To make reports according to regulations and submit to the inspection and supervision by competent state management agencies.

**Article 30.** Rights and obligations of users of information content services on mobile telecommunications networks

Users of information content services on mobile telecommunications networks have the following rights and obligations:

1. To use information content services on mobile telecommunications networks, except services banned by law;
2. To comply with the regulations on the use of information content services on mobile telecommunications networks and telecommunications services prescribed by law;
3. To check and take responsibility for their decision to use services;
4. To lodge complaints or denunciations if the information content services provided on mobile telecommunications networks are not consistent with the services announced or agreed by the service providers.

Chapter IV

ONLINE GAMES

**Article 31.** Management of online games

1. Online games are classified as follows:

a/ Classification by method of service provision and use:

- Electronic games that have interaction among multiple players via the game server system of the enterprise (below referred to as G1 games);
- Electronic games that only have interaction between the players and the game server system of the enterprise (below referred to as G2 games);
- Electronic games that have interaction among multiple players without interaction between players and the game server system of the enterprise (below referred to as G3 games);
- Electronic games that are downloaded from the Internet without the interaction among players and between players and the game server system (below referred to as G4 games).

b/ Classification by players' ages and game contents and scenarios. The Ministry of Information and Communications shall specify the classification of video games by players' ages.

2. Enterprises may provide G1 games after obtaining a license to provide game services and decisions approving game contents and scenarios issued by the Ministry of Information and Communications.

3. Enterprises may provide G2, G3 and G4 games after obtaining a certificate of registration of game service provision and announcing the service provision for each electronic game.

4. Foreign organizations and individuals that wish to provide online game services for users in Vietnam shall establish enterprises in accordance with Vietnamese law to provide online games services in accordance with this Decree and the law on foreign investment.

**Article 32.** Licensing of provision of G1 games

1. An enterprise is licensed to provide online game services when fully meeting the following conditions:

a/ The enterprise is established in accordance with Vietnamese law and has a certificate of business registration for online game service provision;

b/ Having registered domain names for service provision;

c/ Having sufficient financial and technical capacity, organizational structure and personnel suitable to the operation scale;

d/ Having measures for ensuring information safety and security.

2. The validity duration of a license to provide online game services depends on the request of the enterprise, but must not exceed 10 years.

3. A decision approving game contents and scenarios is issued to an enterprise that fully meets the following conditions:

a/ The remaining validity period of the license to provide online game services is at least 1 year;

b/ The contents and scenarios of the online game:

- Do not violate Clause 1, Article 5 of this Decree;



- Do not contain images or sounds that are horrifying; incite violence and brutality; are vulgar, erotic and obscene, immoral, contrary to traditional ethics and culture and national fine customs; or distort and undermine the history;
- Do not contain images or sounds that depict suicide, use of drug, alcohol and tobacco, terrorism; child maltreatment, abuse and trafficking, and other harmful or banned acts.
- Satisfy other requirements set by the Ministry of Information and Communications.

c/ Meeting the technical requirements for providing online game services set by the Ministry of Information and Communications.

4. The Ministry of Information and Communications shall specify the conditions, process and procedures for granting, modifying, extending, revoking and re-granting licenses to provide online game services and decisions to approve game contents and scenarios.

5. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, prescribing fees for licensing the provision of online game services and charges for assessing game contents and scenarios.

**Article 33.** Registration of the provision of G2, G3, G3 game services

1. Conditions for registering the provision of online game services

- a/ Being an enterprise established in accordance with Vietnamese law and having a certificate of business registration for online game service provision;
- b/ Having registered domain names for service provision;
- c/ Having sufficient financial and technical capacity, organizational structure and personnel suitable to the operation scale;
- d/ Having measures for ensuring information safety and security.

2. The Ministry of Information and Communications shall specify the conditions, process and procedure for registration and announcement of the provision of online game services.

**Article 34.** Rights and obligations of online game service providers

Online game service providers have the following rights and obligations:

1. To hire transmission lines of telecommunication enterprises to connect the system of equipment that provides services with public telecommunications networks;
2. To have at least one server system located in Vietnam serving the inspection, supervision, storage and provision of information at the request of competent state

management agencies, and settlement of customers' complaints about the service provision according to regulations of the Ministry of Information and Communications;

3. To establish websites about the provision of online game services, fully showing the following information:

a/ Classification of electronic games by players' ages;

b/ Rules of each electronic game;

c/ Regulations on the management of information and activities of electronic games;

d/ Rules for settling complaints and disputes between players and the enterprise and among players.

4. To take measures for limiting negative impacts of games provided, including:

a/ Providing information about the approval of the contents and scenarios (of G1 games) or announcements (of G2, G3 and G4 games) in the advertisement programs, on the website of the enterprise, and in every game, including the name, classification by age, and recommendations about unexpected impacts on the physical and mental health that the games may have on players;

b/ Registering personal information of players of G1 games; taking measures for restricting playing hours for children and players under 18 years of age as guided by the Ministry of Information and Communications.

5. To ensure legitimate interests of players in accordance with the announced rules of electronic games; to take responsibility for charge rates, service quality and information safety; to settle complaints and disputes between players and the enterprise, and among players;

6. To comply with regulations of the Ministry of Information and Communications on virtual items (graphic images of items or characters following certain rules established by the electronic game producers) and bonus scores (the form of bonus equivalent to the way of scoring received by players of the online game);

7. The suspension of the provision of online game services must be announced on the website of the games at least 90 days before the intended suspension date; to take measures for ensuring interests of players; to send written reports on these contents to the Ministry of Information and Communications 15 days before the official suspension date;

8. To take technical measures for managing the contents of messages exchange among players according to regulations of the Ministry of Information and Communications;
9. Not to advertise electronic games that have not had their contents and scenarios approved, for G1 games, or have not yet been announced according to regulations, for G2, G3, and G4 games, on forums, websites of organizations and enterprises, the press and other mass media;
10. To pay a fee for licensing and a charge for assessing contents and scenarios of G1 games;
11. To send regular and irregular reports according to regulations of the Ministry of Information and Communications;
12. To submit to the inspection, inspection and violation handling by competent state management agencies.

**Article 35.** Conditions for operation of public gaming points

1. Organizations and individuals may only set up public gaming points after obtaining a certificate of eligibility to operate public gaming points.
2. A certificate of eligibility to operate public gaming points is granted to organizations and individuals that fully meet the following conditions:
  - a/ Having registered the operation of public gaming points;
  - b/ The public gaming point is located at least 200 m away from the gates of primary schools and lower and higher secondary schools;
  - c/ Displaying a sign “Public gaming point”, displaying the name, address, phone number and business registration number;
  - d/ The total area of computer rooms of a public gaming point is at least 50 m<sup>2</sup> for urban areas in special class, class I, class II and class III, at least 40 m<sup>2</sup> for urban areas of class IV and class V, and at least 30 m<sup>2</sup> for other areas;
  - dd/ Ensuring sufficient light and even brightness in the computer rooms;
  - e/ Having equipment for and rules on fire prevention and fighting according to fire and explosion prevention and fighting regulations of the Ministry of Public Security;
  - g/ Paying a fee for the grant of a certificate of eligibility to operate public gaming points.

3. The Ministry of Information and Communications shall specify the process and procedure for granting, modifying, extending, revoking and re-granting certificates of eligibility to operate public gaming points.

4. People's Committees of provinces and centrally run cities shall, based on practical local conditions, assign provincial-level Information and Communications Departments or district-level People's Committees to take charge of the grant, modification, revocation, extension, and re-grant of certificate of eligibility to operate public gaming points, and direct the inspection and supervision of, and handling of violations committed by, local public gaming points.

5. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, setting fees for the grant of certificates of eligibility to operate public gaming points.

**Article 36.** Rights and obligations of owners of public gaming points

Owners of public gaming points have the following rights and obligations:

1. To install a system of equipment to provide online game services at the location written on the certificate of eligibility to operate public gaming points;
2. To provide the Internet access service after signing an Internet agent contract with an Internet access service provider;
3. To post up the regulations on the use of online game services at noticeable positions, showing the prohibitions defined in Article 5 of this Decree and the rights and obligations of players defined in Article 37 of this Decree;
4. To post the updated list of G1 games, of which the contents and scenarios have been approved, together with the game classification by age (updated on the website of the Ministry of Information and Communications: [www.mic.gov.vn](http://www.mic.gov.vn)) at the gaming point;
5. Not to allow Internet users to use their computers at the business places to commit prohibited acts defined in Article 5 of this Decree;
6. To request the enterprise that signs the Internet agent contract to provide instructions and information about the Internet access service; to submit to the inspection and supervision by such enterprise;
7. To participate in training programs on Internet and electronic games held by state management agencies and enterprises in the localities;

8. Not to operate between 10:00 pm and 8:00 am;
9. To comply with the regulations on information safety and security;
10. To submit to the inspection, supervision and violation handling by competent state management agencies.

**Article 37.** Rights and obligations of players

Players have the following rights and obligations:

1. To play electronic games, except those banned by law;
2. The rights and obligations of Internet users defined in Article 10 of this Decree;
3. To select electronic games appropriate to their age;
4. Not to abuse electronic games to commit illegal acts;
5. To register personal information at the request of the Ministry of Information and Communications;
6. To comply with regulations on playing hours and opening hours of public gaming points;
7. To have their interests protected by game service providers in accordance with the rules of electronic games and the rules on settlement of complaints and disputes posted on the websites of the providers.

Chapter V

**ASSURANCE OF INFORMATION SAFETY AND SECURITY**

**Article 38.** Principles of assurance of information safety and security

1. Providers and users of Internet services and online information are responsible for ensuring information safety and security within their information system; cooperating with competent state management agencies and other organizations and individuals in ensuring online information safety and security.
2. Activities of ensuring online information safety and security must be regularly, continuously and effectively carried out on the basis of compliance with standards and technical regulations on information safety and the law on telecommunications and Internet service quality.

**Article 39.** State management responsibility for information safety and security

1. The Ministry of Information and Communications shall:

- a/ Promulgate or submit to competent state management agencies for promulgation, and organize the implementation of, legal documents, strategies, master plans, standards and technical regulations on information safety;
- b/ Train and develop human resources; carry out scientific research and application of technologies to information safety assurance;
- c/ Carry out international cooperation in information safety assurance;
- d/ Conduct inspection and supervision, settle disputes, complaints and denunciations, and handle violations of the law on information safety assurance;
- dd/ Direct the coordination of activities of units performing the task of ensuring information safety of the ministries, agencies, localities and enterprises;
- e/ Assume the prime responsibility for, and coordinate with the Ministry of Public Security in, guiding telecommunications enterprises, Internet service providers and providers of public online information services to prepare locations, connection ports and necessary technical measures for ensuring the performance of the task of ensuring information safety and security;
- g/ Provide the registration, storage and use of personal information of individuals that post information on social networks, G1 game players, and users of other services on the Internet; and the verification of such information with the database on people's identity cards of the Ministry of Public Security.

2. The Ministry of Public Security shall:

- a/ Promulgate or submit to competent state management agencies for promulgation, and organize the implementation of, legal documents on information security;
- b/ Train and develop human resources; carry out scientific research and application of technologies to information security assurance;
- c/ Carry out international cooperation in information security assurance;
- d/ Conduct inspection and supervision, settle disputes, complaints and denunciations, and handle violations of the law on information security assurance;
- dd/ Organize, direct and guide the collection, detection, investigation and processing of information and documents and handling of acts related to the provision and use of Internet services and online information for infringing upon national security, social order and safety, state secrets, or committing other crimes;

e/ Organize the development and use of the database on people's identity cards to be connected with providers of online services to verify personal information to serve the management, provision and use of online information and services.

3. The Government Cipher Agency - the Ministry of National Defense shall:

a/ Formulate, and propose the promulgation of, legal documents on cipher to ensure information security;

b/ Manage research, production, trading and use of information security codes;

c/ Conduct inspection, assessment and certification of standard or regulation conformity of products using information security codes.

4. The Ministry of Education and Training shall:

a/ Disseminate and provide guidance on the law on Internet among pupils and students; guide, create conditions for and direct pupils and students to use the Internet for useful and practical activities serving their study, life and families;

b/ Take measures for warning and supervising pupils and students to protect them from negative impacts of harmful information and applications on the Internet;

c/ Provide training in information safety in information and communication technology universities and colleges.

5. The Ministry of Labor, War Invalids and Social Affairs shall take measures for protecting children, adolescents and young people from harmful information and applications on the Internet.

6. Ministries, ministerial agencies and government-attached agencies shall, within the scope of their tasks and powers, coordinate with the Ministry of Information and Communications and the Ministry of Public Security in the state management of information safety and security.

7. Provincial-level People's Committees shall, within the scope of their tasks and powers, perform the state management of information safety and security.

**Article 40.** Management of standards and technical regulations on information safety

1. Certification of conformity of an information system with information safety technical regulations (regulation conformity certification) is the certification that the information system is conformable with technical regulations on information safety promulgated by

the Ministry of Information and Communications and mandatory information safety standards prescribed by the Ministry of Information and Communications.

2. Announcement of conformity of an information system with information safety technical regulations (regulation conformity announcement) is the announcement by an organization or enterprise of the conformity of the information system with standards and technical regulations on information safety.

3. Owners of information systems shall carry out regulation conformity certification and announcement according to regulations of the Ministry of Information and Communications.

4. Organizations that certify conformity with information safety technical regulations are non-business technical service units accredited or designated by the Ministry of Information and Communications to carry out regulation conformity certification.

5. The Ministry of Information and Communications shall specify the certification and announcement of conformity with regulations on information safety; promulgate a list of information systems subject to regulation conformity certification and announcement; and appoint and accredit conformity certification organizations.

**Article 32.** Provision of information safety services

1. Information safety services are services provided by organizations and individuals to protect information and information systems, including consultancy, inspection, assessment and supervision of information systems and relevant services.

2. The Ministry of Information and Communications shall guide in detail the provision of information safety services.

**Article 42.** Classification of information systems

1. Classification of information systems is the assessment and determination of the importance of such information systems to the operation of the entire information and communication infrastructure, economic and social development, security and national defense assurance in order to devise solutions for assuring information safety and security.

2. The Ministry of Information and Communications shall assume the prime responsibility for, and coordinate with the Ministry of Public Security and related ministries and agencies in, formulating and promulgating, and organizing the



implementation of, regulations on classification of information systems, a list of information systems of national importance, requirements of assuring information safety and information security of information systems of national importance.

**Article 43.** Computer emergency response

1. Computer emergency response means activities to handle and settle incidents that affect online information safety.
2. Computer emergency response must:
  - a/ Be quick, accurate, timely and efficient;
  - b/ Comply with the direction of the Ministry of Information and Communications;
  - c/ Involve coordination among Vietnamese and international organizations and enterprises.
3. Ministries, ministerial agencies, government-attached agencies, telecommunications enterprise, Internet service providers, organizations in charge of managing and operating information systems of national importance shall form or appoint computer emergency response teams (CERT) to take actions within their units and coordinate with Vietnam Computer Emergency Response Team (VNCERT).
4. The Ministry of Information and Communications shall formulate, and organize the implementation of, regulations on coordination of network emergency response.

**Article 44.** Obligation of organizations and enterprises to ensure information safety and security

Telecommunications enterprises, Internet service providers, providers of public online information and online game service providers shall:

1. Deploy technical systems and operations to ensure information safety and security.
2. Instruct Internet agents, public Internet access points and public gaming points to take measures for ensuring information safety and security.
3. Prepare locations, connection ports and necessary technical conditions for competent state management agencies to ensure information safety and security at the request of the Ministry of Information and Communications and the Ministry of Public Security.
4. Issue and implement internal regulations, procedures for operating, providing and using services, and regulations on coordination with the Ministry of Information and

Communications and the Ministry of Public Security in the assurance of information safety and security.

## Chapter VI

### IMPLEMENTATION PROVISIONS

#### **Article 45.** Effect

1. This Decree takes effect on September 1, 2013.
2. The Government's Decree No. 97/2008/ND-CP of August 28, 2008, on the management, provision, use of Internet services and electronic information on the Internet ceases to be effective on the effective date of this Decree. To annul Joint Circular No. 02/2005/TTLT-BCVT-VHTT-CA-KHDT of July 14, 2005, of the Ministry of Post and Telematics, the Ministry of Culture and Information, the Ministry of Public Security, and the Ministry of Planning and Investment, on management of Internet agents, and Joint Circular No. 60/2006/TTLT-BVHTT-BBCVT-BCA of June 1, 2006, of the Ministry of Culture and Information, the Ministry of Post and Telematics, and the Ministry of Public Security, on the management of online games.

#### **Article 46.** Organization of implementation

The Minister of Information and Communications shall guide and inspect the implementation of this Decree.

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

On behalf of the Government

*Prime Minister*

*(signed and sealed)*

*NGUYEN TAN DUNG*