



## CHAPTER I

This Decree makes detailed provisions for protection of industrial property rights with respect to a number of other objects stipulated in article 780 of the dated 28 October 1995, including trade secrets, geographical instructions and trade names, and for protection of rights to fight against unfair competition relating to industrial property.

1. This Decree shall apply to foreign and domestic organizations and individuals engaged in business activities within the territory of Vietnam.
2. This Decree shall also apply to foreign organizations and individuals in the



- (b) Information is capable of application to trading, and when any entity holding such information uses such information, it shall gain an advantage over entities which do not hold or use such information;
  - (c) Information the confidentiality of which the owner maintains by necessary procedures in order that such information is not disclosed and such information is not easily accessible.
- 2. Other confidential information that does not relate to business, such as secrets in relation to personal status, State administration, national defence and security, shall not be protected as trade secrets.
  
- 1. An owner of industrial property rights with respect to trade secrets shall be any organization or individual having invested in the creation or acquisition of investment achievements being trade secrets.
- 2. Where an employee or a party performing a contract creates or acquires trade secrets during the performance of assigned work, such trade secrets shall belong to the employer or the party assigning the work, unless otherwise agreed by the parties concerned.
  
- 1. An owner of industrial property rights with respect to trade secrets shall have the right to possess, the right to use and the right of disposal of the trade secrets in accordance with law.
- 2. The rights of an owner of industrial property rights with respect to trade secrets shall be protected as long as the trade secrets satisfy all of the conditions stipulated in article 6.1 of this Decree.
  
- 1. Industrial property rights with respect to trade secrets may be transferred or bequeathed in accordance with law.
- 2. Industrial property rights with respect to trade secrets shall be transferred on the basis of a written contract in which the transferor shall specify the trade secrets transferred. Where the parties agree only to transfer the right to use the trade secrets (licensing of trade secrets), the transferee shall be obliged to take necessary measures to maintain confidentiality at the request of the transferor.





Industrial property rights with respect to a trade name shall be protected as long as the owner still maintains business activities in such trade name.

### CHAPTER III









to prove the fact that the unfair competition damages or is likely to damage its legitimate rights or interests to the authorized State body.

Any organization or individual conducting unfair competition in relation to industrial property shall, depending on the nature and seriousness of such act, be penalized administratively or prosecuted for criminal liability; shall compensate for any damage in accordance with law.

## CHAPTER V

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6. To conduct international co-operation in respect of industrial property rights with respect to trade secrets, geographical instructions and trade names and rights to fight against unfair competition;
7. To guide, inspect or examine the implementation of policies and compliance with the laws on industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition;
8. To receive and settle complaints and denunciations, to deal with breaches of the laws on industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition.

1. The Ministry of Science, Technology and Environment shall be the Government body responsible for unified State administration of industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition throughout the country and shall be responsible for organizing and directing the implementation of regimes, policies and laws on industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition.
2. The Industrial Property Office under the Ministry of Science, Technology and Environment shall be responsible for assisting the Minister of Science, Technology and Environment in performing the following duties:
  - (a) To co-ordinate with other State bodies and social organizations in taking measures to protect industrial property rights with respect to trade secrets, geographical instructions and trade names and rights to fight against unfair competition and to ensure strict implementation of the laws on industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition, including inspection of conditions for creation of rights and infringement of rights with respect to trade secrets, geographical instructions and trade names and rights to fight against unfair competition at the request of State bodies, organizations and individuals;
  - (b)

- (c) To examine professional qualifications of, to issue practising certificates to, and to undertake professional management of industrial property representative service organizations in relation to trade secrets, geographical instructions, trade names and rights to fight against unfair competition relating to industrial property;
  - (d) To direct professional operations and organize development of professional knowledge in industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition for bodies responsible for administration of industrial property under ministries, branches or local authorities and at the grass-roots level;
  - (e) Within its delegated authority, to conduct international co-operation activities in industrial property relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition.
3. Ministries, ministerial equivalent bodies, Government bodies, and people's committees of provinces and cities under central authority shall, depending their respective responsibilities and duties, be responsible for organizing, directing and assuming management of industrial property activities relating to trade secrets, geographical instructions, trade names and rights to fight against unfair competition within their respective branches or localities.

Bodies responsible for management of science, technology and environment under branches or local authorities shall be responsible for assisting heads of branches or local authorities in assuming the above responsibilities and performing the following duties:



## CHAPTER VI

Trade secrets, geographical instructions and trade names which have existed prior to the date of effectiveness of this Decree and which continue to satisfy all of the conditions for protection stipulated in this Decree shall be protected in accordance with this Decree.

This Decree shall be of full force and effect after fifteen (15) days from the date of signing.

Ministers, heads of ministerial equivalent bodies and Government bodies, and chairmen of people's committees of provinces and cities under central authority shall be responsible for implementation of this Decree.

On behalf of the Government  
Prime Minister

PHAN VAN KHAI