

**DECREE
ON
DEALING WITH ADMINISTRATIVE OFFENCES
IN THE SECTOR OF CULTURE AND INFORMATION**

The Government

Pursuant to the *Law on Organization of the Government* dated 30 September 1992;

Pursuant to the *Law on Media* dated 28 December 1989 and the *Law on Amendments and Additions to the Law on Media* dated 12 June 1999;

Pursuant to the *Law on Publications* dated 7 July 1993;

Pursuant to the *Civil Code* dated 28 October 1995;

Pursuant to the *Ordinance on Dealing with Administrative Offences* dated 6 July 1995;

In order to deal uniformly with administrative offences in the sector of culture and information;

On the proposal of the Minister of Culture and Information;

Decrees:

CHAPTER I

General Provisions

Article 1 *Governing scope*

1. *An administrative offence in the sector of culture and information* means any intentional or unintentional act by an individual or organization which breaches the regulations on State administration in the sector of culture and information, but is not serious enough to warrant criminal prosecution, and which should be dealt with administratively pursuant to the provisions of the *Ordinance on Dealing with Administrative Offences* and this Decree.
2. *The administrative offences in the sector of culture and information* covered by this Decree shall include: conduct by an individual or organization which breaches the regulations on State administration in the media sector (including printed newspapers, broadcasts, illustrated magazines, electronic newspapers); publishing (including publications, printed matter, products distributed by publishers); cinematography; all forms of artistic performance; cultural activities and cultural services in public venues; fine arts, exhibitions, photography; copyright; advertising, both writing advertisements and placing shop signs; museum conservation work; libraries; import and export of cultural products; announcing and distributing works overseas.

3. Where an administrative offence in the activities of the media, publishing, cinematography or export of cultural products involves the disclosure of State secrets, the applicable provisions shall be those in clause 1(c), (e) and (m) of article 27 of Decree No. 49-CP of the Government dated 15 August 1996 on *Dealing with Administrative Offences of Security and Order*.

Article 2 *Applicable subjects*

1. A penalty shall be imposed on all Vietnamese organizations or individuals who commit an administrative breach in the sector of culture and information, in accordance with the provisions of this Decree and other provisions of relevant laws on dealing with administrative offences.
2. A penalty shall be imposed on foreign organizations or individuals who commit an administrative breach in the sector of culture and information in the territory of Vietnam, the same as for Vietnamese organizations or individuals, unless there is a different provision in an international treaty to which the Socialist Republic of Vietnam is a signatory or participant.
3. A penalty shall be imposed on minors¹ who commit an administrative breach in the sector of culture and information, in accordance with the provisions of clause 1 (a) of articles 5 and 6 of the *Ordinance on Dealing with Administrative Offences*.

Article 3 *Limitation period for imposing a penalty²*

1. The limitation period for imposing a penalty for an administrative breach in the activities of cinematography; all forms of artistic performance; cultural activities and cultural services in public venues; fine arts, exhibitions, photography; copyright; advertising, both writing advertisements and placing shop signs; museum conservation work and libraries, shall be one year from the date the administrative breach is committed.
2. The limitation period for imposing a penalty for an administrative breach in the activities of publishing, media publications, and the import and export of cultural products shall be two years from the date the administrative breach is committed. After the expiry of the above limitation period an administrative penalty may not be imposed, but measures may be taken as stipulated in clause 3 (a), (b) and (d) of article 11 of the *Ordinance on Dealing with Administrative Offences*.
3. An individual who is sued, prosecuted or subject to a decision to be tried under criminal law procedures, and there is a decision to suspend [*such*] investigation or trial, may have an administrative penalty imposed if his or her conduct amounts to³ an administrative breach, and the limitation period for imposing an administrative penalty shall be three months from the date of the suspension decision.
4. If during the limitation period specified in clauses 1, 2 and 3 of this article an individual or organization commits a new administrative offence or intentionally evades or hinders the imposition of a penalty, the limitation period specified in clauses 1, 2 and 3 of this article shall not apply. The limitation period for imposing a penalty for an administrative breach

1 In Vietnam, under 15 years of age, noting that the Vietnamese count age from conception.

2 Note article 3 specifies a limitation period for all the offences listed in article 1(2) above, but omits the last item "announcing and distributing works overseas".

3 The literal translation is "has signs/indications of...".

shall be recalculated as from the date the new administrative breach was committed or as from the date of termination of the evasion or hindrance of imposition of a penalty.

Article 4 *Principles for imposition of penalties*

1. An administrative penalty shall only be imposed on an individual or organization whose conduct constitutes an administrative offence as prescribed by law. On discovery of conduct which constitutes an administrative offence, a person authorized to impose penalties must issue an order immediately suspending the conduct in breach. Imposition of penalties must be carried out quickly, justly, effectively, and under the correct legal provisions. Each of the consequences of an administrative offence must be made good in accordance with law.
2. Conduct constituting an administrative offence may only be dealt with once; one person

The existence of mitigating or aggravating factors shall be dealt with in accordance with the provisions in articles 7 and 8 of the *Ordinance on Dealing with Administrative Offences*.

3. Additional forms of penalty and other measures stipulated in this Decree may only be applied in addition to the main form of penalty aimed at dealing with the breach thoroughly, except for reasons and conditions of repeat offences and to make good all the consequences caused by the administrative offence.
4. Compensation for loss caused by administrative offences in the sector of culture and information shall be dealt with in accordance with the provisions in article 17 of the *Ordinance on Dealing with Administrative Offences*.

CHAPTER II

Conduct Constituting an Administrative Offence in the Sector of Culture and Information, Forms and Levels of Penalty

Section 1

Offences in the Media Sector, Forms and Levels of Penalty

Article 6 *Breach of the regulations on media operating licences:*

(b) Taking advantage of the position of a journalist to interfere illegally in, or to hinder the operations of bodies or organizations, but below the level of criminal liability.

3. Forms of additional penalty:

(a) Where there is a breach of clause 2 (a) of this article, any compensation for loss payable to a journalist shall be resolved under criminal law procedures, but the level of compensation shall not exceed one million (1,000,000) Dong;

(b) Revocation of the right to use a journalist's card for one to two years for a breach specified in clause 1 or clause 2 (b) of this article.

Article 12 *Breach of the regulations on press conferences:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Holding a press conference without providing prior notice or prior proper notice to the authorized State body for the media;

(b) Holding a press conference on matters in breach of the provisions of clause 4 of article 10 of the *Law on Media*, but below the level of criminal liability.

2. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

2. A fine of five million (5,000,000) to twenty million (20,000,000) Dong in respect of advertising with the contents stipulated as a breach by article 10 of the *Law on Media*, advertising products which are prohibited from advertisement and other breaches of other laws on advertising, but below the level of criminal liability.

3. Forms of additional penalty:

Confiscation of printed matter in the case of the breaches specified in clause 2 of this article.

Article 15 *Breach of the regulations on issuing newspapers, and on destroying facilities for operating the media:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

- (a) Issuing a newspaper incorrectly in terms of the provisions of a media operating licence;
- (b) Printing a newspaper without the price, or selling it above the price printed on it;
- (c) Using illegally printed or dubbed tapes in order to advertise for sales of newspapers;
- (d) Issuing newspaper as an agent without business registration;
- (dd) Hindering the legitimate issuance of newspapers;
- (e) Destroying a journalist's facilities for media activities.

2. A fine of one million (1,000,000) to five million (5,000,000) Dong in respect of direct receipt via satellite or via the internet in order to repeat information from Vietnam radio or television, or basic Internet or Intranet of Vietnamese organizations or of foreign organizations residing in Vietnam, without a licence from the Ministry of Culture and information.

3. A fine of three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

- (a) Issuing printed media matter without a publishing permit, but below the level of criminal liability;
- (b) Issuing printed media matter prohibited from circulation or subject to an order forbidding circulation, but below the level of criminal liability.

4. Forms of additional penalty:

Confiscation of the printed media matter, physical evidence and means used to carry out the breach, for conduct specified in clause 3 of this article.

Article 16 *Breach of the regulations on installation and use of equipment to receive overseas television programs:*

(a) Implementing incorrectly the provisions of a licence for the installation and use of equipment to receive overseas television programs (TVRO);

- (c) Altering or erasing a certificate of approval of a publishing plan or a publishing licence.
3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:
- (a) Activities of issuing books, newspapers or printed matter without an operating licence;
 - (b) Conducting publishing without an operating licence.
4. Forms of additional penalty:
- (a) Revocation of the right to use a publishing operating licence for conduct specified in clause 1 (b) of this article;
 - (b) Revocation of the right to use a licence for conduct specified in clause 2 (b) and (c) of this article;
 - (c) Confiscation of the physical evidence and means used to carry out the conduct specified in clause 3 (b) of this article, or in respect of a repeat offence specified in clause 3 (a) of this article.

Article 20 *Breach of the regulations on prohibited content of publications:*

1. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong for an author whose published works offend the honour of an individual, or disclose private life secrets of an individual without the consent of the person concerned or his or her relatives, except where the law otherwise provides.

2. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for a publisher or for an organization.

(c) An author whose published works, or a publisher or organization with a publishing licence where their publications contain matter which distort history, deny revolutionary achievements, or offend great figures and national heroes, but below the level of criminal liability.

5. Forms of additional penalty:

Confiscation of the physical evidence in breach as specified in clauses 3 and 4 of this article.

6. In addition to the forms of penalty stipulated in this article, measures shall be taken for individuals and organizations in breach to make compulsory payment of compensation in accordance with law.

Article 21 *Breach of the regulations on printing activities:*

1. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for commercial practice of the trades of stalactite pressing, roneo printing, photocopying, printing by computer, manual silk screen printing, printing from wood engravings, paper cutting, [supplying] materials and equipment for the printing industry, manufacture of printing materials, or teaching the printing and duplicating trade without a business registration certificate or by changing a business registration certificate or conducting business at an address other than the

4. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Printing and photocopying newspapers or published matter which are subject to a decision on revocation, confiscation, prohibition from circulation, or destruction; or which have depraved or obscene contents or which incite violence; but below the level of criminal liability;

(b) An establishment conducting commercial printing and photocopying without a business registration certificate (except for the cases specified in clause 1 of this article).

5. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 1 and clause 2 (b) and (c) of this article;

(b) Revocation of the right to use a licence for conduct specified in clause 4 (a) of this article, or in respect of a repeat offence specified in clause 3 (a) of this article;

(c) Confiscation of the physical evidence of conduct specified in clause 3 (a) and (d) and in clause 4 (a) of this article.

Article 22 *Breach of the regulations on publishing copyright deposit:*

1. A warning or fine of two hundred thousand (200,000) to one million (1,000,000) Dong in respect of a payment of less than the full publishing copyright deposit required by the regulations.

2. A fine of one million (1,000,000) to five million (5,000,000) Dong in

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- (c) Failure to correctly implement the provisions of a licence for producing films, videos or disks;
 - (d) Transferring a licence to another organization or individual, or using the licence of another organization or individual to produce films, videos or disks;
 - (dd) Altering or erasing a licence for producing films, videos or disks.
3. A fine of ten million (10,000,000) to twenty million (20,000,000) Dong in respect of one of the following breaches:
- (a) Producing films, videos or disks with the aim of distributing them widely but without a licence;
 - (b) Supplying film-making services to overseas [*entities*] or co-operating in film-making with overseas [*entities*] incorrectly in terms of the provisions of a licence;
 - (c) Producing films, videos or disks with slanderous contents or which slander the reputation of an organization or the honour and dignity of an individual, but below the level of criminal liability.
4. A fine of thirty million (10,000,000) to fifty million (20,000,000) Dong in respect of one of the following breaches:
- (a) Producing films, videos or disks with depraved or obscene contents, which encourage social evils or criminal conduct, or with superstitious contents with an adverse impact on fine customs or the ecological environment, but below the level of criminal liability;
 - (b) Activities of providing film-making services or film-making with overseas [*entities*] without a licence.
5. A fine of fifty million (10,000,000) to seventy million (70,000,000) Dong in respect of one of the following breaches:
- (a) Producing films, videos or disks with contents which are antagonistic to the State of the Socialist Republic of Vietnam; or which undermine the unity of the people;
 - (b) Producing films, videos or disks which incite violence, propagate wars of aggression, cause division amongst ethnic races and the peoples of all countries, or which disseminate reactionary ideology or culture or criminal conduct, but below the level of criminal liability;
 - (c) Producing films, videos or disks containing matter which distorts history, denies revolutionary achievements, or offends great figures and national heroes, but below the level of criminal liability;
 - (d) Foreign individuals or organizations which produce films in Vietnam without a licence.
6. Forms of additional penalty:
- (a) Revocation of the right to use a licence for conduct specified in clause 2 (d) and (dd), clause 3 (b), clause 4 (a) and clause 5 of this article;

(b) Copying a film, video or disk with depraved or obscene contents or which incites violence, but below the level of criminal liability;

(c) Editing or adding sound and pictures with depraved or obscene contents or which arouse violence to a film, video or disk already permitted to be circulated, but below the level of criminal liability.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 3 (b), (c) and (d) and clause 5 of this article, and for a repeat offence of clause 4 (a) of this article;

(b) Confiscation of the physical evidence of conduct specified in clauses 1, 2, 3, 4 and 5 of this article;

(c) Confiscation of the means of committing the breach specified in clause 3 (a), clauses 4 and 5 of this article, and for a repeat offence of clause 2 (a) of this article.

Article 25 *Breach of the regulations on distributing films, videos and disks:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong in respect of one of the following breaches:

(a) Purchasing from 10 to 20 copies of a video or disk without a label⁵ attached or with a false label;

(b) Selling or renting under 20 copies of a film, video or disk without a label attached or with a false label;

(c) Selling or renting a film, video or disk from an address other than that provided for in the licence;

(d) Purchasing or selling labels for videos or disks without all the heading items written on them as required by the regulations;

(dd) Purchasing from 10 to below 50 copies of a false video or disk label;

(e) Altering or erasing a label attached to a video or disk.

2. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Selling or renting a film, video or disk which is not yet licensed for circulation;

(b) Selling or renting from 20 to under 100 copies of a film, video or disk without a label attached or with a false label;

(c) Fraudulently exchanging the contents of a video or disk which has a label attached, for commercial purposes;

7. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

- (a) Selling, renting or distributing films, videos or disks which are subject to a decision on revocation, confiscation, prohibition from circulation, or destruction;
- (b) Selling, renting or distributing films, videos or disks with depraved or obscene contents or which incite violence.

8. Forms of additional penalty:

- (a) Revocation of the right to use a licence for up to 3 months for conduct specified in clause 1 (c) of this article;
- (b) Revocation of the right to use a licence for up to 3 months for conduct specified in clause 2 (d) and (dd); clause 4 (b), (dd) and (e); and clause 7 of this article;
- (c) Confiscation of the physical evidence of conduct specified in clause 1 (a), (b), (d), (dd) and (e); clause 2 (a), (b), (c) and (e); clause 3; clause 4(c) and (f); clause 5(a), (c) and (d); and clauses 6 and 7 of this article;
- (d) Confiscation of the means of committing the breach specified in clause 5 (c) of this article.

Article 26 *Breach of the regulations on projection of films, and on playing videos and disks:*

1. A warning or a fine of one hundred and fifty thousand (150,000) to three hundred thousand (300,000) Dong in respect of one of the following breaches:

- (a) Projecting films or playing videos or disks causing noise above the regulated level;
- (b) Allowing children under 16 into a cinema or a venue where videos or disks are played, or to view films prohibited to children under 16.

2. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for projecting films or playing videos or disks without a label attached, in a public venue.

3. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

- (a) Projecting films or playing videos or disks not yet permitted to be circulated, in a public venue;
- (b) Transferring a business registration certificate to another organization or individual, or using the business registration certificate of another organization or individual to project films or to play videos or disks;
- (c) Implementing incorrectly the provisions of a business registration certificate to project films or to play videos or disks;
- (d) Altering or erasing a business registration certificate to project films or to play videos or disks.

4. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong for commercial film projection or commercial playing of videos or disks, without a business registration certificate.

5. A fine of thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:

(a) Projecting films or playing videos or disks which are subject to a decision on revocation, confiscation, prohibition from circulation, or destruction;

(b) Projecting films or playing videos or disks with depraved or obscene contents or which incite violence.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 3 (b), (c), and (d); and in clause 5 of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 2; in clause 3 (a), and in clause 5 of this article;

(c) Confiscation of the means of committing the breach specified in clause 5 of this article.

Article 27 *Breach of the regulations on copyright deposit for, and archiving of,*

(b) Transferring a business registration certificate to another organization or individual, or using the business registration certificate of another organization or individual to engage in copying an audio video or disks.

3. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following breaches:

(a) Duplicating from 100 up to 300 copies of an audio video or disk not yet permitted to be circulated;

(b) Duplicating audio videos and disks without an operating licence.

4. A fine of five million (5,000,000) to ten million (10,000,000) Dong for duplicating above 300 copies of an audio video and disk not yet permitted to be circulated.

5. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong in respect of one of the following breaches:

(a) Duplicating audio videos and disks which are subject to a decision prohibiting them from circulation, or which are subject to a decision on revocation or confiscation;

(b) Duplicating audio videos and disks which have depraved or obscene contents or which incite violence;

(c) Duplicating audio videos and disks which have reactionary contents.

6. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clauses 4 and 5 of this article;

(b) Confiscation of the physical evidence of conduct specified in clause 1; in clause 2 (a); and in clauses 3, 4 and 5 of this article;

2. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Producing audio videos and disks with depraved or obscene contents or which incite violence, or editing or adding sound and pictures with depraved or obscene contents or which incite violence into audio videos and disks which have already been licensed for circulation, but below the level of criminal liability;⁶

(b) Producing audio videos and disks commercially, without a licence.

3. A fine of ten million (10,000,000) to thirty million (30,000,000) Dong for engaging in the production of audio videos and disks which have reactionary contents, or editing or adding sound and pictures with reactionary contents into audio videos and disks which have already been licensed for circulation, but below the level of criminal liability.

4. Forms of additional penalty:

(a) Revocation of the right to use a licence for conduct specified in clause 1 (b), (c) and (d);

- (a) Revocation of the right to use a business registration certificate for up to 3 months for conduct specified in clause 1, and in clause 3 (a) of this article;
- (b) Confiscation of the physical evidence for the breaches specified in clause 2, and in clause 3 (a) of this article.

Article 31 *Breach of the regulations on stockpiling and disseminating audio videos and disks:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for disseminating audio videos and disks which are not yet licensed for dissemination, in a public venue.

2. A fine of five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong for illegally stockpiling from 50 or more audio videos and disks which were illegally printed or copied.

3. A fine of one million five hundred thousand (1,500,000) to five million (5,000,000) Dong in respect of one of the following bo3(o)-0.1(in fic)-3(ve)8.4(D(t)-1he.9(e)-61.7(p)-1:.9(on)-0 -1.3248 TD0 Tc0 Tw()Tj0 -1.318

(b) Practising trades of superstition such as: putting people into a trance, fortune-telling, invoking spirits of the dead, offering fortune sticks, exorcising with lucky charms, bewitching, making prophesies, and other superstitious practices;

(c) Being drunk in a public venue, working area, hotel, shop, restaurant, public dance hall, karaoke, venues where cultural events are held and cultural services provided, in public transport or in other public venues;

(d) Taking advantage of people's religious beliefs to obtain money or other things.

2. Forms of additional penalty:

(a) Confiscation of the physical evidence of, and the means of committing the breach for conduct specified in clause 1 (b) of this article;

(b) Payment to public funds of the amount illegally obtained in respect of the conduct specified in clause 1 (b) and (d) of this article.

Article 34 *Breach of the regulations on conditions for holding cultural activities or for providing cultural services in public venues:*

1. A warning or a fine of from two hundred thousand (200,000) to five hundred thousand (500,000) Dong for holding cultural activities or for providing cultural services in public venues from mid-night until 5 a.m., except in cases specified in article 35 (2) of this Decree.

2. A fine of from three hundred thousand (300,000) to one million (1,000,000) Dong in respect of the following breaches:

(a) Failure to provide lighting to the stipulated level in public dance halls and karaokes;

(b) Employing dancers without their being registered on the list with the authorized office;

(c) Issuing more tickets than seats or capacity of a theatre where a cultural or artistic performance is held.

3. A fine of from five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Failure to provide space to the stipulated level in public dance halls and karaokes;

(b) Covering karaoke rooms, or not installing windows in them, or installing windows which make any part of the room invisible from the outside;

(c) Turning off the lights during activities at public dance halls and karaokes;

(d) Holding artistic performances, and organizing activities at dance halls or theatres showing films and videos or cassettes or at karaokes

Article 35 *Breach of the regulations on operating licences:*

1. A warning or a fine of from one hundred and fifty thousand (150,000) up to five hundred thousand (500,000) Dong for using a broadcasting loud-speaker or other facilities to advertise or agitate in a public venue without a permit or not in terms of the provisions of the permit.
2. A fine of from one million (1,000,000) to three million (3,000,000) Dong for holding a dancing hall event after the hours permitted.
3. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong in respect of one of the following breaches:
 - (a) Holding commercial dance hall activities and karaoke activities not in terms of the provisions [*of the permit*] or the provisions of the law;
 - (b) Transferring a permit to another organization or individual, or using the permit of another organization or individual to hold commercial dance hall activities, karaoke activities, beauty queen competitions and fashion shows;
 - (c) Holding electronic games and other types of games for commercial purposes which have reactionary contents, which have depraved or obscene contents, which incite violence, or which involve gambling;
 - (d) Holding beauty queen competitions and fashion shows other than with the program permitted.
4. A fine of from five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

(c) Selling or renting electronic games' tapes and disks which have seriously harmful contents other than those stipulated in sub-clause (b) above;

(d) Producing or duplicating electronic games' tapes and disks without business registration;

(dd) Circulating electronic games' tapes and disks with prohibited contents at public dance halls, karaoke bars, and other venues where public cultural events are held and cultural services provided.

2. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Producing or duplicating electronic games' tapes and disks with prohibited contents;

3. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong for leasing out a venue for dancing, for a public dance hall, for karaoke activities, or for other public cultural events and services, knowing such venue is used for prostitution, drug taking or gambling, and without measures to prevent or expose such activities.

4. A fine of from five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

- (a) Hanging or exhibiting pictures, photos or calendars which are depraved or obscene or which incite violence at boarding houses and restaurants;
 - (b) Using methods of serving which are obscene at boarding houses and restaurants.
2. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:
- (a) Circulating audio videos and disks which are subject to a decision on prohibition from circulation or revocation, at boarding houses and restaurants;
 - (b) Circulating films, videos and disks which have depraved or obscene contents or which incite violence, at boarding houses and restaurants, but below the level of criminal liability.
3. A fine of from thirty million (30,000,000) to fifty million (50,000,000) Dong in respect of one of the following breaches:
- (a) Circulating films, videos and disks, or staging works or music shows or dances which are subject to a decision on prohibition from circulation or revocation, at boarding houses and restaurants;
 - (b) Circulating films, videos and disks or staging works or music shows or dancing which have depraved or obscene contents or which incite violence, at boarding houses and restaurants, but below the level of criminal liability.
4. Forms of additional penalty:
- (a) Revocation of the right to use a practising licence for up to 6 months for performers who breaches clause 3 (b) of this article;
 - (b) Revocation of the right to use business registration for conduct specified in clauses 2 and 3 of this article;
 - (c) Confiscation of the physical evidence of conduct specified in clause 1 (a), and in clauses 2 and 3 of this article.

Article 39 *Breach of the regulations on production and burning votive offering papers:*

- 1. A warning or a fine of from one hundred and fifty thousand (150,000) to five hundred thousand (500,000) Dong for burning votive offering papers in a public place.
- 2. A fine of from one hundred and fifty thousand (150,000) up to five hundred thousand

Section 6
Offences in the Sectors of Fine Arts, Exhibitions and Photography, and Forms and Levels of Penalty

Article 40 *Breach of the regulations on operating licences:*

1. A fine of from five hundred thousand (500,000) to one million five hundred thousand (1,500,000) Dong in respect of one of the following breaches:

(a) Providing commercial services in fine arts, photography, portraiture, or translation at a location other than the registered location;

(b) Transferring a business registration certificate for services in fine arts, photography, portraiture, or translation, in any form at all;

(c) Altering or erasing a business registration certificate for services in fine arts, photography, portraiture, or translation.

2. A fine of from one million five hundred thousand (1,500,000) up to five million (5,000,000) Dong for providing commercial services in fine arts, photography, portraiture, or translation, without business registration.

3. A fine of from five million (5,000,000) up to ten million (10,000,000) Dong in respect of one of the following breaches:

(a) Constructing a statue or monumental picture without permission;

(b) Holding a cultural or arts exhibition without a licence.

4. Forms of additional penalty:

Revocation of the right to use a licence for a breach specified in clause 1 (b) and (c) of this article.

5. In addition to the forms of penalty stipulated in clauses 1, 2 and 3 of this article, measures shall be taken for individuals and organizations in breach of clause 3 (a) to compulsorily dismantle the illegal artifice.

Article 41 *Breach of the regulations on prohibited features in fine arts, exhibitions and photograph:*

- (a) Duplicating works to re-create a picture without agreement from the author or copyright owner;
- (b) Assembling a program of a film, video or disk for commercial or advertising purposes without agreement from the copyright owner;
- (c) Selling copies of works re-created in a picture without written agreement from the author or copyright owner.

4. A fine of from ten million (10,000,000) to twenty million (20,000,000) Dong in respect of one of the following breaches:

- (a) Duplicating a radio or television program which has already been broadcast or telecast to disseminate for commercial purposes without agreement from the program owner;
- (b) Duplicating an architectural work without agreement from the copyright owner.

5. A fine of from twenty million (20,000,000) to forty million (40,000,000) Dong in respect of one of the following breaches:

- (a) Copying or re-editing works of literature or the arts or scientific project works for commercial purposes without agreement from the copyright owner;
- (b) Copying computer software without agreement from the copyright owner.

6. A fine of from fifty million (50,000,000) to seventy million (70,000,000) Dong for a repeat offence specified in clause 5 of this article.

7. Forms of additional penalty:

- (a) Confiscation of the physical evidence of conduct specified in any of clauses 1 to 5 inclusive of this article;
- (b) Confiscation of the means of committing the breach specified in clauses 5 and 6 of this article.

Article 43 *Breach of the regulations on quoting, adding or cutting, translating, adapting, transforming or re-writing works:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand (500,000) Dong for quoting other people's works and including it in one's own, without providing the name of the author and the original work.

2. A fine of three million (3,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:

- (a) Translating, editing, adapting, transforming or re-writing works without agreement from the author or copyright owner of the original work;
- (b) Adding to, cutting or changing the contents of a literary, artistic or scientific work without agreement from the author.

Article 44 *Breach of the regulations on announcing, disseminating or performing works domestically:*

1. A warning or a fine of two hundred thousand (200,000) to five hundred thousand

Vietnam without a permit from the Vietnamese State management bodies to operate or to conduct advertising.

8. Forms of additional penalty:

Revocation of right to use a permit for a breach specified in clause 5 of this article.

9. In addition to the forms of penalty stipulated in clauses 1 to 7 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle or remove the advertising banners, posters, handouts, brochures, panels and boards for breaches specified in clause 1, clause 2 (a), clause 4 (b) or clause 6 (c) of this article.

Article 46 *Breach of regulations on forms and methods of advertising:*

1. A warning or a fine of one hundred thousand (100,000) up to three hundred thousand (300,000) Dong for using sound in advertising beyond the permissible noise levels between 11 p.m. and 4 a.m.
2. A fine of three hundred thousand (300,000) to one million (1,000,000) Dong for advertising on boards or panels with shapes, colours and forms of expression which are the same as traffic signs or public notices or which are unclear, dirty or ugly and detrimental to the landscape.
3. A fine of one million (1,000,000) to two million (2,000,000) Dong for each square metre, each occasion, each day, or each 1% in excess of the [*prescribed limit*] for one of the following actions:

- goods, products or services⁷ which are permitted to be advertised but only providing vague trademark and firm names;
- (c) Advertising in newspapers or on radio or television in breach of the minimum interval permitted between two advertising rounds;
 - (d) Using the lottery operation to advertise in breach of the regulations of the Ministry of Finance;
 - (dd) Advertising without using the Vietnamese spoken or written language (except for cases within article 5(3) of Decree 194-CP of the Government dated 31 December 1994 on Advertising Activities within the Territory of Vietnam);
 - (e) Advertising where the use of foreign written languages is also permitted, but their size is more than twice that of the Vietnamese, or they appear above the words written in Vietnamese.
5. A fine of five million (5,000,000) to ten million (10,000,000) Dong in respect of one of the following breaches:
- (a) Advertising on the front page of a newspaper, or on the front cover of a magazine or special issue;
 - (b) Trading in types of commodities bearing advertisements for goods and products the advertising of which is prohibited;
 - (c) Advertising by inserting advertisements into the contents of a news or current affairs programme or into a special feature on radio or television in breach of the regulations, except for a direct broadcast or telecast from overseas;
 - (d) Advertising after the signature tune of a radio station or after the pictorial symbol of a television station.
6. A fine of thirty million (30,000,000) up to fifty million (50,000,000) Dong in respect of one of the following breaches:
- (a) Manufacturing types of commodities bearing advertisements for goods and products the advertising of which is prohibited;
 - (b) Hiring advertisements or hiring production of types of commodities bearing advertisements for goods and products the advertising of which is prohibited.
7. A fine of forty million (40,000,000) up to fifty million (50,000,000) Dong for using the National flag, the National anthem, the National emblem, photos of leaders, the Party flag or the International Song as the basis or background for advertisements.
8. Forms of additional penalty:
- Confiscation of the goods for breaches specified in clauses 5 (b) and 6 of this article.

⁷ The literal translation is "activities".

9. In addition to the forms of penalty stipulated in clauses 1 to 8 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle the advertising boards and panels for breaches specified in clauses 2, 3 (a), clause 4 (a) and (b), clause 7 of this article.

Article 47 *Breach of regulations on location, position and scope of advertising:*

1. A warning or a fine of five thousand (5,000) up to ten thousand (10,000) Dong for each advertising poster, handout or brochure placed at a location other than as stipulated in the permit.
2. A warning or a fine of fifty thousand (50,000) up to one hundred and fifty thousand (150,000) Dong for each advertising banner placed at a location other than as stipulated in the permit.
3. A fine of three hundred thousand (300,000) to one million (1,000,000) Dong in respect of one of the following breaches:
 - (a) Hanging, installing or placing advertising panels or boards at a location or position other than as stipulated in the permit;
 - (b) Hanging, installing or placing advertising panels or boards within preservation areas for traffic works, with a detrimental effect on traffic safety and order;
 - (c) Advertising telephone numbers and addresses of service providers at an incorrect location.
4. A fine of two million (2,000,000) to five million (5,000,000) for advertising at a location where advertising is prohibited.
5. Forms of additional penalty:

Confiscation of physical evidence of breaches specified in clauses 2, 3 and 4 of this article.
6. In addition to the forms of penalty stipulated in clauses 1 to 5 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle the advertising banners, posters, handouts or brochures or advertising panels or boards, and to remove the telephone numbers and addresses for breaches specified in clause 3 (c) of this article.

Article 48 *Breach of regulations on contents of advertisements:*

1. A warning or a fine of two hundred thousand (200,000) up to five hundred thousand (500,000) Dong for each picture, photo, poster, handout, brochure, umbrella, trolley, banner, goods container or other similar form advertising goods or products the advertising of which is prohibited.
2. A fine of five hundred thousand (500,000) up to one million five hundred thousand (1,500,000) Dong for advertising the contents of a newspaper, publication, film, visual video or disk, or artistic work not yet licensed for publication, issuance, distribution or

3. A fine of two million (2,000,000) up to ten million (10,000,000) Dong for changing or falsifying the contents of advertisements after they have been approved in a permit.
4. A fine of ten million (10,000,000) up to twenty million (20,000,000) Dong in respect of one of the following breaches:
 - (a) False advertising, including with respect to the quality of goods as registered;
 - (b) Advertising contents which lower the reputation and quality of goods of another organization or individual.
5. A fine of fifteen million (15,000,000) up to thirty million (30,000,000) Dong for advertising goods or products the advertising of which is prohibited.
6. Forms of additional penalty:

Confiscation of physical evidence of breaches specified in clause 1 of this article.
7. In addition to the forms of penalty stipulated in clauses 1 to 6 inclusive of this article, individuals and organizations in breach shall be compelled to dismantle the advertising panels and boards for breaches specified in clauses 2 to 5 inclusive of this article.

Article 49 *Breach of regulations on writing and placement of signboards:*

1. A warning or a fine of one hundred thousand (100,000) up to three hundred thousand (300,000) Dong in respect of one of the following breaches:
 - (a) Hanging or placing signboards other than close to the headquarters of the offices, organizations, hotels, shops or restaurants to which they belong;
 - (b) Failing to write in full or abbreviating Vietnamese names on signboards;
 - (c) Hanging or placing signboards with dimensions, colours or types of lettering which are in breach of the regulations.
2. A warning or a fine of one hundred and fifty thousand (150,000) up to five hundred thousand (500,000) Dong in respect of one of the following breaches:
 - (a) Failing to write in full on a signboard the contents required by the regulations;
 - (b) Failing to write the Vietnamese names and letters of Vietnamese offices, enterprises and organizations on signboards, and only using foreign language names and letters;
 - (c) Writing on signboards the proper names, abbreviations or international trading names in a foreign language above the names in Vietnamese;
 - (d) Writing on signboards the names, abbreviations or international trading names in a foreign language in a size larger than that of the names in Vietnamese;
 - (dd) Including advertising contents on signboards;

- (e) Signboards of foreign economic organizations or of joint ventures with foreigners which have the proper names or international trading names in a foreign language above the names in Vietnamese;
 - (f) Signboards of foreign economic organizations or of joint ventures with foreigners which have the proper names or international trading names in a foreign language in a size larger than that of the names in Vietnamese.
3. In addition to the forms of penalty stipulated in clauses 1 and 2 of this article, individuals and organizations in breach shall be compelled to dismantle the signboards which are the physical evidence of the breaches.

Section 9

Offences in the Sectors of Conservation, Museums and Libraries; Forms and Levels of Penalty

Article 50 *Breach of the regulations on preservation of exhibits in museums, preservation of cultural items, and preservation of historical and cultural vestiges:*

1. A warning or a fine of from fifty thousand (50,000) up to two hundred thousand (200,000) Dong for tarnishing any historical or cultural vestige, or any cultural or artistic work.
2. A fine of from five hundred thousand (500,000) up to two million (2,000,000) Dong for polluting the environment in a place where there are historical or cultural vestiges, cultural or artistic works.
3. A fine of two million (2,000,000) to five million (5,000,000) Dong for damaging an exhibit in a museum with low value.
4. A fine of from five million (5,000,000) to twenty million (20,000,000) Dong for acts of slight damage to any historical or cultural vestige.
5. A fine of from twenty million (20,000,000) up to fifty million (50,000,000) Dong in respect of one of the following breaches:
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- (b) To compulsorily dismantle the illegal building works and to restore the area encroached upon, for breaches specified in clause 5 (b) and (c) of this article;
- (c) To compulsorily overcome the polluted situation for the breach specified in clause 2 of this article.

Article 51 *Breach of the regulations on archaeological excavation, restoration and decoration of historical and cultural vestiges:*

1. A fine of from five hundred thousand (500,000) up to two million (2,000,000) Dong for discovering an antiquity or archaeological site but falsely declaring it or covering it up.
2. A fine of from two million (2,000,000) up to five million (5,000,000) Dong in respect of one of the following breaches:
 - (a) Conducting archaeological excavation at a site other than that permitted in the licence;
 - (b) Restoring and decorating an historical or cultural vestige other than as permitted in the licence.
3. A fine of from five million (5,000,000) up to twenty million (20,000,000) Dong in respect of one of the following breaches:
 - (a) Conducting archaeological excavation without a licence; conducting illegal earthworks or salvage works at excavation sites;
 - (b) Restoring and decorating an historical or cultural vestige without a licence.
4. Forms of additional penalty:
 - (a) Revocation of the right to use a licence for a breach specified in clause 2 of this article;
 - (b) Confiscation of the physical evidence for a breach specified in clauses 1 and 3 of this article;
 - (c) Confiscation of the means of committing the breach for conduct specified in clause 3 of this article.

Article 52 *Breach of the regulations on preservation of data in libraries:*

1. A warning or a fine of from fifty thousand (50,000) up to two hundred thousand (200,000) Dong for damaging or appropriating documents, books or other information carrying objects with a value below 200,000 VND in libraries.
2. A fine of five hundred thousand (500,000) to two million (2,000,000) Dong for damaging or appropriating documents or books with a value above 200,000 VND in libraries.
3. A fine of from two million (2,000,000) to five million (5,000,000) Dong in respect of one of the following breaches:
 - (a) Damaging or appropriating documents or books with a value above 1,000,000 VND in libraries;

3. A fine of from five million (5,000,000) up to twenty million (20,000,000) Dong for unlicensed importing/exporting of between 50 to 499 articles when they are the type of cultural product which requires a permit.

4. A fine of from twenty million (20,000,000) up to fifty million (50,000,000) Dong for unlicensed importing/exporting of 500 or more articles when they are the type of cultural product which requires a permit.

5. A fine will be imposed as follows for importing/exporting printing equipment without a licence:

(a) A fine of from twenty million (20,000,000) up to fifty million (50,000,000) Dong where the physical evidence is valued at up to 100 million VND;

(b) A fine of from seventy million (70,000,000) up to one hundred million (100,000,000) Dong where the physical evidence is valued above 100 million VND.

6. Forms of additional penalty:

Confiscation of the physical evidence of conduct specified in clauses 1, 2 and 3 of this article.

7. In addition to the forms of penalty stipulated in clauses 1 to 4 inclusive of this article, measures shall be taken depending on the seriousness of the offence for individuals and organizations in breach to compulsorily re-export the articles, or the physical evidence may be destroyed.

Article 55 *Breach of the regulations on prohibited import/export of cultural products:*

1. A fine of from five million (5,000,000) up to twenty million (20,000,000) Dong for importing/exporting less than 10 articles when they are prohibited import/exports being music tapes, music disks, books, newspapers, pictures, photos, calendars or data including drafts.

2. A fine of twenty million (20,000,000) to fifty million (50,000,000) Dong for one of the following:

(a) Importing/exporting from 10 to 100 articles when they are prohibited import/exports being music tapes, music disks, books, newspapers, pictures, photos, calendars or data including drafts;

(b) Importing/exporting films, videos and disks which are prohibited import/exports.

3. A fine of forty million (40,000,000) to fifty million (50,000,000) Dong for importing/exporting more than 100 articles when they are the type of cultural product which is a prohibited import/export.

4. A fine will be imposed as follows for illegal export of an artefact, antiquity or national treasure:

(a) 5 million to 10 million VND where the object is worth up to 10 million VND;

(b) 10 million to 20 million VND where the object is worth up to 20 million VND;

(c) 20 million to 50 million VND where the object is worth up to 50 million VND;

(d) 40 million to 50 million VND where the object is worth up above 50 million VND.

5. Forms of additional penalty:

Confiscation of the physical evidence of conduct specified in clauses 1 to 4 of this article.

6.. In addition to the forms of penalty stipulated in clauses 1 to 5 inclusive of this article, measures shall be taken depending on the seriousness of the offence for individuals and organizations in breach to compulsorily re-export the articles, or the physical evidence may be destroyed.

Article 56 *Breach of the regulations on announcing and disseminating works to overseas countries:*

CHAPTER IV

Complaints and Denunciations, and Dealing with Breaches

Article 68 *Complaints and Denunciations*

1. Citizens shall have the right to make denunciations to State authorized bodies about administrative breaches of organizations and individuals in the sector of culture and information under the provisions of this Decree, or to make denunciations about breaches by people authorized to impose penalties, in accordance with the provisions of law.
2. Organizations and individuals who have been subject to an administrative penalty or their

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

For the Government
Prime Minister
PHAN VAN KHAI