

**DECREE
ON ELECTRONIC COMMERCE**

THE GOVERNMENT

Pursuant to Government Organization Law dated December 25, 2001;
Pursuant to Commercial Law dated June 14, 2005;
Pursuant to E-Transaction Law dated November 29, 2005;
At proposal of the Minister of Trade;

HEREBY DECREES

**CHAPTER I
GENERAL PROVISIONS**

Article 1. Scope of Application

This Decree applies to:

1. The use of electronic communications in commercial and commercial-related activities in the territory of the Socialist Republic of Vietnam.
2. The use of electronic communications in commercial and commercial-related activities conducted outside the territory of the Socialist Republic of Vietnam, whereby the parties agree to apply Commercial Law and this Decree.
3. This Decree does not apply to electronic communications that are bills of exchange, promissory notes, consignment notes, bills of lading, warehouse receipts or any transferable instrument that entitles the bearer or beneficiary to claim the delivery of goods or the payment of a sum of money.

Article 2. Subjects of Application

This Decree applies for:

1. Merchants using electronic communications in commercial and commercial-related activities.

2.

4. A location is not a place of business merely because that is where equipment and technology supporting an information system used by a party in connection with the formation of a contract are located; or where the information system may be accessed by other parties.

5. The sole fact that a party makes use of a domain name or electronic mail address connected to a specific country does not create a presumption that its place of business is located in that country.

Article 5. State management over electronic commerce

Functions of state management over electronic commerce include:

1. To contemplate and implement strategies, schemes, plans and policies for the development of electronic commerce.

2. To stipulate and implement legislations on electronic commerce.

3. To stipulate standards for electronic commerce.

4. To organize electronic commerce training and awareness raising, to provide support activities for application of electronic commerce.

5. To supervise enforcement of electronic commerce legislations, settle petitions and complaints, and penalize violations of regulations governing electronic commerce.

6. To organize and monitor international cooperation on electronic commerce.

Article 6. State management bodies for electronic commerce

Article 8. Legal effect as writing

Where the law requires that a communication should be in writing, that requirement is

2. The time of receipt of an electronic communication is the time when it becomes capable of being retrieved by the addressee at an electronic address designated by the addressee. The time of receipt of an electronic communication at another electronic address of the addressee is the time when it becomes capable of being retrieved by the addressee at that address and the addressee becomes aware that the electronic communication has been sent to that address.

An electronic communication is presumed to be capable of being retrieved by the addressee when it reaches the addressee's electronic address.

3. An electronic communication is deemed to be dispatched at the place where the originator has its place of business and is deemed to be received at the place where the

party on whose behalf that person was acting, has the right to withdraw the portion of the electronic communication in which the input error was made if:

(a) The person, or the party on whose behalf that person was acting, notifies the other party of the error as soon as possible after having learned of the error and indicates that he or she made an error in the electronic communication; and

(b) The person, or the party on whose behalf that person was acting, has not used or received any material benefit or value from the goods or services, if any, received from the other party.

2. Nothing in this article affects the application of any rule of law that may govern the consequences of any error other than as provided for in paragraph 1.

CHAPTER III
PENALTY ON VIOLATIONS

CHAPTER IV IMPLEMENTATION

Article 18. Legal enforcement

This Decree comes into effect 15 days after its release on the Public Legal Bulletin. Previous regulations counter to this Decree shall be annulled.

Article 19. Implementation

1. Ministry of Trade takes lead and coordinates with other ministries, ministry-level agencies to stipulate in details the use of electronic communications in trade of goods and services on the sensitive list; form of electronic communications in online trading; consumer protection in electronic commerce, and other related regulations..
2. Ministers, heads of ministry-level agencies, heads of governmental organizations, and Chairmen of provincial People's Committees are responsible for implementing this Decree.

ON BEHALF OF THE GOVERNMENT
PRIME MINISTER

(signed)

Phan Van Khai