In Vietnam, IPRs infringements including counterfeit goods have become more complex over time. The production and distribution of fake goods is becoming increasingly dire, affecting people's health and the country's economy. Fake goods are both manufactured domestically and smuggled into the country, mainly foodstuffs, garments, household appliances, and consumer goods. Fertilizers are among the most faked products, badly affecting agricultural production. Therefore, the Government, IP Agents and business associations, enterprises have been coordinating to take actions against counterfeit goods.

I- **Current National Policy of Vietnam**

**National IP Policy of Vietnam in taking actions against counterfeit goods is specified as follows:**

- Enhancing actions as inspecting, controlling and preventing against counterfeit goods and infringement of intellectual property rights;

- Improving the legal framework for handling violations of counterfeiting, enforcement and handling IPR infringements;

- Improving procedures relating to establishment of the Intellectual Property Rights;

- Supporting the holder of IP rights to protect their legitimate rights and interests.

**Above-policies are based on the following major legislations:**

- Directive No. 28/2008/CT-TTg dated 08 September 2008 of Prime Minister on urgent methods against counterfeit commodity, low-qualified goods;

- Resolution No. 10/2011/QH13 dated 8 November 2011 of The standing committee of national assembly on the 2011-2015 socio-economic development plan;

- Resolution No. 31/2012/QH13 dated 8 November 2012 of The standing committee of national assembly on the 2013 socio-economic development plan;

II- How their government executes the policy

In order to accomplish these policies, the Government of Vietnam has conducted the followings:

1. To establish The Steering Committee on anti-smuggling, counterfeit goods and trade fraud (called as the Steering Committee No. 127) by the Decision No. 127/2001/QD-TTg to direct, inspect and supervise the actions against counterfeit and infringing goods. The Steering Committee on anti-smuggling, counterfeit goods and trade fraud has permanent division at the Ministry of Commerce (primarily used by the Department of Market Management) and a number of officials and employees of the Ministry who are appointed to work in part-time mode.

2. To direct the competent authorities in testing enforcements, controlling and handling violations of producing and trading counterfeit goods, poor quality goods, infringement of intellectual property rights to strengthen inspection and process control infringing on all fields. Vietnam is dealing with counterfeit goods, infringements of intellectual property rights via the requests for applying administrative, civil and criminal measures; controlling imports and exports from the holder of IP rights. The competence agencies in taking actions against counterfeit goods are The marker management agencies; People’s Public Security officers; The Inspectors of Science and Technology, The Customs; The Border guard; The Coast Guard; Courts, The People’s Committees.

3. To strengthen monitoring from Customs and Border Guards relating to exported and imported goods.

4. To publicly prosecute and adjudicate the violations with the purpose of public education on anti-counterfeit goods.

5. To promulgate legal documents handling violations of counterfeit goods and infringing intellectual property rights, such as:

- Decree No. 08/2013/ND-CP dated 01 January 2013 of the Government on the administrative penalties for producing and trading counterfeit goods. This Decree was into effect since 01 March 2013.

- Decree 99/2013/ ND-CP dated 29 August 2013 of the Government on sanctioning of administrative violations in industrial property. This Decree has been recently taken effect on 15 October 2013 and replacement The Government's Decree No. 97/2010/ND-CP dated 21 September 2010.


- Law on handling administrative violations No. 15/2012/QH13 dated 20 June 2012 of The National Assembly. This Law took effect on 01 July 2013; except for provisions relating to application of administrative handling measures which is considered and decided by People’s Court shall take effect on January 01, 2014.

- Circular No.196/2012/TT-BTC dated 15 November 2012 of the Ministry of finance regulating electronic customs procedures for the commercial imports, exports. This

- Circular No. 09/2013/TT-BCT dated 02 May 2013 of the Ministry of industry and trade providing for inspection and administrative violation sanction activities of market management offices. This Circular was into effect on 01 July 2013.


- Decree No. 64/2013/ND-CP dated 27 June 2013 of the Government on penalties for administrative violations against the laws on scientific activities and technology transfers.

- Joint circular No. 05/2013/TTLT-BYT-BCT dated 08 February 2013 of the Ministry of health and the Ministry of industry and trade guiding the labeling, printing of health warnings on tobacco packages.

6 To propagandize against counterfeit and infringing goods, the risk of the production, trafficking counterfeit and infringement of industrial property goods.

7 To collect consumer’s denunciations against the acts of producing, trafficking in counterfeit and infringing goods.

8 To support the enterprise in establishing IP rights; and to encourage Enterprise to involve into combating against production and trading counterfeit and infringing goods.

9 To provide consumers with full information on distinguishing between counterfeit and infringing goods and the genuine products.

III- **How it works**

Given the fact that the counterfeit goods are rising, Vietnamese Government promotes its policies in combating counterfeit and infringing goods for all and any areas. The improvement of Vietnamese law relating to handling violations from counterfeiting, infringing industrial property rights are also provisions of avoiding overlap between the competent authorities.

As stated in Resolution No. 104/NQ-CP of the Government dated 06 May 2013, Ministry of Industry and Trade shall coordinate with other ministries and agencies and locals in steering trade promotion, strengthening and expanding export markets, striving to achieve growth up to 12% and more; supporting the development of domestic markets, especially the rural areas; and to apply solutions for tackling goods in warehouses; to promote the distribution system, retails; to speed implementation of projects, power plants and power grids; to ensure the demand of electricity production and consumption; and to coordinate with Ministry of Finance to strengthen the management of market price.
As a result, from the beginning of 2013 up to now, there are 2,216 cases of IPR infringement being handled in Vietnam of which total fine thereof has been reached VND 18,625,725,000 (~USD 882,735) including 2,147 cases of trademark infringements which total fine thereof has been reached VND 18,422,475,000 (~USD 873,100); 67 cases of industrial design infringement which the total fine thereof is VND 199,250,000 (~USD 9,443).

From the foregoing, it is clearly seen that the IPR infringements have been emerging in Vietnam. However, all competent authorities have also strengthened capacity to handle the infringement and counterfeit acts.

IV- Desirable policy and actions

- To encourage and promote the creation and utilization of intellectual assets in order to contribute to socio-economic development and improvement of the people’s material and spiritual life.

- To provide financial supports for the receipt and exploitation of assigned intellectual property rights in public interests; to encourage organizations and individuals at home or abroad to provide financial aid for creative activities and the protection of intellectual property rights.

- To prioritize investment in training and retraining the contingent of cadres, civil servants, public employees and other relevant subjects engaged in the protection of intellectual property rights and the research into and application of sciences and technologies to the protection of intellectual property.

- To mobilize social resources for investment in raising the capacity of the system to protect intellectual property rights, thereby meeting requirements of socio-economic development and international economic integration.

- To recognize and protect intellectual property rights of organizations and individuals on the basis of harmonizing benefits of intellectual property rights holders and public interests; not to protect intellectual property objects which are contrary to social ethics and public order and prejudicial to defense and security.

===END===