

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, March 14, 2014

DECREE

PRESCRIBING THE REGIME OF ROYALTIES IN THE FIELD OF PRESS AND PUBLICATION

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

Pursuant to the June 14, 2005 Civil Code;

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 29, 2005 Law on Intellectual Property and the June 19, 2009 Law Amending and Supplementing a Number of Articles of the Law on Intellectual Property;

Pursuant to the 2012 Publication Law;

At the proposal of the Minister of Information and Communications,

The Government promulgates the Decree prescribing the regime of royalties in the field of press and publication.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree prescribes the regime of royalties for authors and copyright owners of journalistic works (including those of print, radio, television and electronic press), and publications prescribed in Clause 4, Article 4 of the Publication Law; remuneration for persons performing jobs related to journalistic works or publications, and people collecting materials and supplying information to serve the creation of journalistic works or publications.

Article 2. Subjects of application

This Decree applies to authors, copyright owners, journalists, reporters, editors, press agencies, publishers and state agencies, organizations and individuals related to journalistic works or publications.

Article 3. Interpretation of terms

1. Royalty means a sum of money paid by a user of a journalistic work or publication (below collectively referred to as work) to its author or copyright owner.
2. Royalty fund means a sum of money set aside by the user of a work under regulations for the payment of royalties, remuneration and other material benefits.
3. Remuneration means a sum of money paid by the user of a work to a person who performs a job related to that work in accordance with this Decree.
4. Material benefits means the benefits enjoyed by authors or copyright owners in addition to royalties, including complimentary books or newspapers, invitations to book launching ceremonies, domestic or international prizes, etc.

Article 4. Payment of royalties and remuneration

1. The levels of royalty or remuneration paid to authors or copyright owners of, and persons performing jobs related to, journalistic works or publications shall be based on the types and quality of the works and their socio-economic effects, levels of contribution to the works, this Decree's provisions on incentives for the creation of works, and regulations of press agencies using the works or contracts on use of publications signed with publishers. The level of royalty paid to authors must not be lower than the level of remuneration paid to persons performing jobs related to works of the same genre.
2. Authors of works reserved for children and ethnic minority people, of investigative reportages; Vietnamese authors writing directly in foreign languages, Kinh people writing directly in ethnic minority languages, persons of one ethnicity writing directly in the language of another ethnicity; authors of works created under difficult and dangerous conditions and other special cases, are entitled to higher royalties as creation incentive.
3. Created or research works shall be paid higher royalties than translated, adapted, rewritten, transformed, collected, compiled, annotated, selected and anthological works. Authors are entitled to royalties under regulations of agencies using their works for collection, anthologization, adaption, rewriting, transformation, collection or compilation into new works, or for translation into another language. For original works translated into another language for presentation on another type of press, or another press publication of the same press agency, the payment of royalties must comply with regulations of each press agency.
4. For works already publicized or disseminated, when being re-used, their authors or copyright owners are entitled to royalties under this Decree and regulations of agencies using these works.
5. Works created for internal circulation or non-commercial purpose shall be paid royalties lower than those for commercial works of corresponding genres. The royalty levels shall be agreed upon between the works' authors or copyright owners and their users.
6. For works with co-authors, the royalty division ratio shall be agreed upon by the co-authors.

7. For journalistic works that are re-published and quoted from other press agencies under information sharing agreements concluded between different press agencies in accordance with copyright regulations, royalties shall be negotiated and decided by the press agencies concerned.

8. Press agencies shall make deductions for setting up the royalty funds within the prescribed sources.

The royalty funds shall be used for payment of royalties to authors or copyright owners of used works; payment of remuneration and material benefits; and organization of creation promotion activities, but not for other purposes.

9. For works of particular genre not yet specified in this Decree, the royalty payment shall be agreed upon between their users and authors or copyright owners through package contracts.

10. Within 60 days from the date a work is published or publicized, its user shall fully pay up the royalty to its author or copyright owner according to regulations.

In case the press agency has contacted, and notified at least 3 times to, the royalty or remuneration recipient but received no reply, the royalty or remuneration may be transferred to the royalty fund of the subsequent year.

11. Authors working on a contractual basis for a press agency are entitled to 100% of royalties for works created beyond the quotas assigned by the press agency and used by the press agency.

12. Employees of a press agency are entitled to 100% of remuneration for performing jobs beyond their assigned quotas and related to journalistic works used by such press agency.

Article 5. Complaints, denunciations

Complaints and denunciations concerning the regime of royalties and remuneration in the field of press and publication shall be settled in accordance with the law on complaints and denunciations.

CHAPTER II

ROYALTIES AND REMUNERATION FOR WORKS OF PRINT AND ELECTRONIC PRESS

Article 6. Subjects entitled to royalties or remuneration for works of print and electronic press

1. Authors or copyright owners of works that are used by press agencies.

2. Leaders of press agencies, editors, and persons performing jobs related to journalistic works.

3. Persons collecting materials and supplying information to serve the creation of journalistic works.

Article 7. Royalties for works of print and electronic press

1. The royalty bracket for works of print and electronic press is prescribed below:

Group	Genre	Maximum coefficient
1	News report	10
	Replies to readers	
2	Drawings	10
3	Photos	10
4	Political commentary	30
5	Reportage	30
	Memoir (per issue)	
	Interview	
6	Literary works	30
7	Research	30
8	Online	50
	Media	

2. The value of a royalty coefficient unit is equal to 10% of the minimum wage level applicable to cadres, civil servants and armed forces (below referred to as minimum wage level).

For press agencies that can self-finance operation expenses, editors-in-chief may base themselves on the quality and genre as well as the royalty bracket, pay royalties higher than the common average level, which, however, must not exceed the maximum coefficient prescribed in the royalty bracket.

3. Royalties shall be calculated as follows:

Royalty = The royalty coefficient x The value of a royalty coefficient unit.

4. Other provisions

a/ Authors of lyrics of musical pieces, words of comic books or subtitles of the media genre are entitled to 20-50% of the royalties for those works;

b/ Authors of translations from foreign languages or ethnic minority languages into Vietnamese or vice versa are entitled to 40-65% of the royalties for works of the corresponding genre in Vietnamese. The royalty levels shall be decided by editors-in-chief;

c/ Authors of works for children or ethnic minority people are entitled to an additional amount as creation incentive equal to 10-20% of the royalties for those works;

d/ Vietnamese authors who write directly in foreign languages, Kinh authors who write directly in ethnic minority languages, and people of one ethnic minority who write directly in the language of another ethnic minority are entitled to an additional amount as creation incentive equal to 30-50% of the royalties for those works;

dd/ Authors of works created under difficult and dangerous conditions are entitled to an additional amount as creation incentive not exceeding the royalties for those works;

e/ For online newspapers, royalties and remuneration for information supplied by readers shall be decided by editors-in-chief, unless otherwise agreed upon;

g/ For interviews, royalties for interviewers and interviewees shall be paid according to regulations of press agencies.

Article 8. The royalty fund

1. A royalty fund of a print or electronic press agency may be formed from the following sources:

a/ Revenues from press activities;

b/ Revenues from economic activities of the press agency;

c/ Financial assistance from organizations and individuals at home and abroad;

d/ State budget support (if any).

2. For press agencies that cannot yet self-finance their operation expenses, their managing agencies shall provide funds for them to set up royalty funds on the basis of estimates prepared as follows:

Annual royalty fund = Total royalties payable for newspaper or magazine issues published in a year + Additional royalty amounts as creation incentive + Remuneration.

- Total royalties payable for newspaper or magazine issues published in a year = Total average royalty coefficients per newspaper or magazine issue x The value of a royalty coefficient unit x Number of newspaper or magazine issues in a year.

- Additional royalty amounts as creation incentive must not exceed 30% of total royalties payable for newspaper or magazine issues published in a year.

- Total remuneration must not exceed 50% of total royalties payable for newspaper or magazine issues published in a year.

3. Press agencies that can self-finance operation expenses may decide on their royalty funds on the basis of their revenues and expenditures.

Chapter III

ROYALTIES AND REMUNERATION FOR RADIO AND TELEVISION WORKS

Article 9. Subjects entitled to royalties and remuneration for radio and television works

1. Authors or copyright owners of works used by radio or television agencies.
2. Scriptwriters, directors and musicians (excluding music from documentary tapes), for radio.
3. Scriptwriters, directors, cameramen, film producers, musicians (excluding music from documentary tapes), painters, for television.
4. Remuneration shall be paid to leaders of radio and television agencies, anchors, editors, stage or cinematographic actors and actresses and entertainers of other forms of artistic performance, program directors, music directors, lighting designers, art assistants, directors, sound and special-effect technicians.

Article 10. Royalties for radio and television works

1. The royalty bracket for radio and television works is prescribed below:

Group-	Genre	Maximum coefficient
1	News report Replies to readers	10
2	Political commentary	30
3	Reportage Memoir (per issue) Interview	30
4	Literary works	30
5	Scientific and educational research and guidance	30
6	Talk shows	50

2. The value of a royalty coefficient unit is equal to 10% of the minimum wage level
3. The authors or copyright owners prescribed in Clause 1, Article 9 of this Decree are entitled to royalties as prescribed in the royalty bracket.

4. Royalties shall be paid to authors or copyright owners prescribed in Clause 2, Article 9 of this Decree as follows:

a/ For genres 1, 2, 3, 5 and 6 in the royalty bracket, authors or copyright owners are entitled to royalties equal to 20-30% of the royalties for corresponding genres;

b/ For genre 4 in the royalty bracket, authors or copyright owners are entitled to royalties equal to 50-150% of the corresponding genre;

c/ For theatrical works and other forms of art performance, authors or copyright owners are entitled to royalties equal to 50-70% of the royalties prescribed in the law on the regime of royalties for theatrical works and other forms of art performance and royalties for cinematographic and video works.

5. Royalties shall be paid to authors or copyright owners prescribed in Clause 3, Article 9 of this Decree as follows:

a/ For genres 1, 2, 3, 5 and 6 in the royalty bracket, authors or copyright owners are entitled to royalties equal to 50-100% of the royalties for corresponding genres;

b/ For genre 4 in the royalty bracket, authors or copyright owners are entitled to royalties equal to 100-200% of the royalties of the corresponding genre;

c/ For theatrical works and other forms of art performance, cinematographic works, authors or copyright owners are entitled to royalties equal to the corresponding royalties prescribed in the law on the regime of royalties for theatrical works and other forms of art performance and royalties for cinematographic and video works. General directors (directors) of television stations may pay royalties to authors or copyright owners at higher levels, but the total royalties and remuneration must not exceed 20%, for feature films and television theatres, and not exceed 60% for documentary and science films, of the total production costs of these works (excluding television equipment costs).

6. Other provisions

a/ For works broadcast many times, royalties shall be paid as agreed upon under the contracts;

b/ For audio- or -video conferencing events, live radio and television programs and other types not prescribed in this Decree, depending on their characteristics and size, general directors (or directors) of radio or television stations may decide on royalties and remuneration for their authors or copyright owners and persons involved in implementing these programs.

Article 11. The royalty fund

1. The royalty fund of a radio or television station may be formed from the following sources:

a/ Revenues from press activities;

b/ Revenues from economic activities of the press agency;

c/ Financial assistance from organizations and individuals at home and abroad;

d/ State budget support (if any).

2. For radio and television stations that cannot yet self-finance operation expenses, their managing agencies shall provide funds for them to set up royalty funds which shall be estimated as follows:

Annual royalty fund = Total royalties payable in a year + Additional royalty amounts as creation incentive + Remuneration.

- Total royalties payable in a year = Average royalties per radio or television program x Total radio or television programs in a year.

- Additional royalty amounts as creation incentive must not exceed 30% of total royalties payable in a year.

- Total remuneration must not exceed 70% of total royalties payable in a year.

3. Radio or television stations that can self-finance operation expenses or operate under special financial mechanisms may decide on their royalty funds on the basis of their revenues and expenditures.

Chapter IV

ROYALTIES AND REMUNERATION FOR PUBLICATIONS

Article 12. Subjects entitled to royalties and remuneration for publications

1. Authors and copyright owners of publications who are paid royalties by agencies or organizations using these publications.

2. Collectors and correctors of works, suppliers of works, documents and materials that are paid remuneration by agencies or organizations using the publications, including:

a/ Folk art and literary works;

b/ Documents of state agencies, political organizations, socio-political organizations, social organizations, socio-professional organizations and economic organizations, and translations of these documents.

3. Editors who are paid remuneration by organizations or agencies using publications, depending on their contributions to the contents of manuscripts.

Royalties and remuneration shall be included in the costs of publications.

Article 13. Royalties for publications

1. The royalty bracket: Royalties for publications shall, depending on genre, quality and quantity of publications, be paid according to the percentage (%) in the royalty bracket below:

Group	Genre	Percentage (%)
I	Created publications	
1	Prose	8 - 17%
2	Musical books	10 - 17%
3	Poem	12 - 17%
4	Theatrical or film scripts	12 - 17%
5	Picture books, photo books	8 - 12%
6	Comic books	4 - 10%
7	Dictionaries, reference books	12 - 18%
8	Political, cultural, social or educational theoretical research books	12 - 18%
9	Scientific, technological, technical, economic books, scientific works	10 - 17%
10	Political, cultural, social, educational, scientific, technological and technical knowledge books	8 - 12%
11	Postgraduate, university, college or professional secondary school textbooks, books on methods for teachers and parents	8 - 16%
12	Text books, workbooks or notebooks, teachers' books, target program books (under programs of the Ministry of Education and Training)	30 - 140% of the minimum wage per period set in programs
13	General education reference books under textbook programs	2 - 12%
II	Adapted, rewritten, transformed, collected, annotated, selected or anthological books	5 - 10%
III	Translated publications	
1	Translation from Vietnamese into a foreign language	8 - 12%
2	Translation from a foreign language into Vietnamese (excluding comic books)	6 - 10%
3	Translation from a foreign language into another	12 - 18%
3	Translation from Vietnamese into an ethnic minority language in Vietnam	12 - 18%

4	Translation from one ethnic minority language into another one in Vietnam	15- 18%
5	Translation from Han-Nom scripts or an ethnic minority language into Vietnamese	12- 15%
IV	Tapes, discs and CD-ROM replacing books or attached to books	10- 13%
V	Maps	7 - 23%

2. Agencies or organizations using publications and authors or copyright owners shall, depending on the actual conditions and use demand, reach agreement on ways of calculating royalties and royalty levels for the following types of publications:

- a/ E-publications prescribed in Clause 9, Article 4 of the 2012 Publication Law;
- b/ Publications of high theoretical, scientific and practical value;
- c/ Publications of which ownership is transferred indefinitely;
- d/ Other cases as agreed by two parties on a voluntary basis.

3. Other provisions

a/ Correctors of translated works are entitled to 5-30% of the royalties for the translated works, depending on the correction extent and quality;

Where correction is made for over 30% of a translated work, the corrector shall be the co-author of that work;

b/ Editors, collectors and suppliers of works or documents are entitled to remuneration as agreed upon with agencies or organizations using the publications;

c/ For translated, adapted, rewritten, transformed, collected, annotated, selected or anthological publications, agencies or organizations using the publications shall ask for permission of, and pay royalties to, the authors of the original works. The royalty levels shall be agreed upon between the agencies or organizations using the publications and the authors or owners of the original works;

d/ Authors of the lyrics of musical pieces or the words of comic books are entitled to 30-50% of the royalties for those publications;

dd/ For state-funded publications to serve political tasks, security and national defense, external information, ethnic minority people, areas with extremely difficult socio-economic conditions, remote, deep-lying, border and island areas, children, visually impaired persons, and other important tasks, in addition to the royalties prescribed in Clause 1, Article 13 of this Decree, an additional amount of 10-30% of the royalties for such publications shall be paid;

e/ Royalties for bilingual publications are equal to half of the royalties for translated publications of the same genre prescribed in the royalty bracket;

g/ Royalties for re-printed publications are equal to 50-100% of royalties for first-time publication and shall be calculated based on new retail prices;

h/ In addition to the royalties, authors are entitled to 5-10 complimentary copies of each publication. Where a publication belongs to many authors, the quantity of copies of each publication to be provided to the authors or copyright owners shall be decided by agencies or organizations using such publication;

i/ Heads of agencies or organizations using publications shall specify the rate of payment of royalties and remuneration for publications in accordance with this Decree.

Article 14. Methods of royalty calculation

1. The royalty for a publication shall be calculated as follows:

Royalty = Percentage % x Retail price of publication x Quantity of printed copies

In which:

a/ The percentage (%) is the percentage of royalty payment;

b/ The retail price of the publication is the price printed at the bottom of cover 4 of the publication or the retail price written in the publication sale invoice (for publications without printed price) issued at the time of payment of royalties to the author or copyright owner;

In case the retail price changes later, if there is no other agreement in the publication use contract, the retail price used for royalty calculation shall still be the old one.

c/ The quantity of printed copies is the quantity written in the publication use contract.

2. The royalty for a publication ordered by the State shall be calculated as follows:

Royalty = Percentage % x Production cost x Quantity of printed copies

In which:

a/ The percentage (%) and quantity of printed copies must comply with Clause 1 of this Article;

b/ The production cost is total expenses for the production, excluding circulation expense.

3. The royalty for a non-commercial publication (for internal circulation or free distribution) shall be calculated as follows:

Royalty = Percentage % x Production cost x Quantity of printed copies

4. Royalties for textbooks, workbooks or notebooks, teachers' books and target program books under programs of the Ministry of Education and Training listed at Point 12, Section I of the royalty bracket shall be calculated as follows:

Royalty = Percentage (%) x Minimum wage level x Number of periods set by the program.

Chapter V

IMPLEMENTATION PROVISIONS

Article 15. Effect

This Decree takes effect on June 1, 2014.

Chapters II, V and VI of the Government's Decree No. 61/2002/ND-CP of June 6, 2002, on the regime of royalties cease to be effective on the date this Decree takes effect.

Article 16. Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees, authors and owners of works, press agencies and publishers shall implement this Decree.-

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung