

## How to register copyright in Vietnam?

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You do not need to apply for copyright registration to enjoy copyright protection in Vietnam. In compliance with the Berne Convention to which Vietnam is a signatory, [Vietnam Copyright Law](#) provides that “*Copyright shall arise at the time a work is created and fixed in a particular material form, regardless of its content, quality, form, mode, or language, and regardless of whether such work has been published or registered.*” As such, statutorily, copyright is an automatic right that does not require registration, which means that the author or creator acquires copyright immediately upon completion of the original work. However, IPR holders who conduct business in Vietnam or intend to do so are strongly advised to prioritize copyright registration in Vietnam. Copyright registration is deemed a strong and effective tool to repress trademark and industrial design in Vietnam.

For reasons why you should register copyright in Vietnam, please see our articles entitled “[6 benefits of owning a copyright registration certificate in Vietnam](#)” and “[Copyright – a powerful and effective weapon to repress trademark and industrial design infringements in Vietnam](#)”.

### 1. Can an author of a work be a company or organization?

No, the author of a work must be a natural person, not a company or organization.

Under Vietnam Copyright Law, [*an author is a **person** who directly creates part or the whole of a literary, artistic and scientific work*]. Therefore, unlike other countries, under Vietnam Copyright Law, the author of a work must be a natural person, not a company or organization. In other words, authorship of a work must be a human author. This could pose a problem for the registration of a commissioned work in Vietnam if the employee who was previously commissioned to create the work left the company. It is critical to note that to file copyright registration in Vietnam, the copyright applicant (*if he is not the author*) must submit 2 documents, one is a “**Deed of Copyright Assignment**” from the author to the applicant and another one is an “**Author Declaration**”. As such, it is better to (i) keep all available and full contact details of the employee/s commissioned to create the work/s and (ii) sign the documents required for copyright registration in Vietnam in advance. Above all, it is the best approach to register copyright for the commissioned work at the soonest if you are doing business or intend to do business in Vietnam.

### 2. Can a work be co-authored?

Yes. If two or more than two authors that jointly create a work, such a work is co-authored or deemed to be a work of “joint authorship”. Article 38.1 of Vietnam IP Law provides that co-authors who use their time, finance and material or technical facilities to jointly create works shall share the rights to such works stipulated in Article 19 (moral rights) and Article 20 (economic rights).

For collaborative works involving more than one author, the current IP Law of Vietnam does not explicitly provide for the contribution of each author in creating a collaborative work. However, it is generally provided that each of the joint authors who own their joint moral and economic rights may exploit or use independently his or her rights on the condition that such independent use may be detachable and does not prejudice the parts of the work of the other co-authors. Thus, to avoid disputes in rights to use and exploit the co-authored work, it is best to craft a well-structured and clear co-author agreement prior to collaboratively creating a work. A co-author should include the followings:

- ✓ Collaboration objectives;
- ✓ Contributions of each author (*to determine royalties and commissions that will be paid if the work is later published or sold, as well as the percentage of those royalties and commissions that will be split evenly or based on each author's contribution*);
- ✓ Guidelines for authorship;
- ✓ Contingencies and communication strategies;
- ✓ Methods for resolving conflicts (*e.g. withdrawal of co-authorship (If works are created collaboratively, will they remain the property of the remaining authors after one of more of the authors leaves), conflicts of interest, etc.*)

### 3. Who can register copyright in Vietnam?

Copyright can be registered in Vietnam either by:

- (i) The author or co-authors of the work;
- (ii) Organizations and individuals who assign tasks to authors or who enter into contracts with authors;
- (iii) An heir of the authors;
- (iv) The assignee of rights over the works; or
- (v) The State, in certain cases.

It is important to note if a work is created by an employee, the employer shall be the owner of the copyright and is entitled to hold all economic rights plus one of the four moral rights (*being the right to publish his or her works or to authorise other persons to publish his or her works*), unless otherwise agreed. Therefore, the copyright registration shall be filed under the employer's name.

### 4. What documents are required for copyright registration in Vietnam?

In order to register copyright, the following information/documents required to provide us:

No.	Documents	Foreign natural person	Foreign legal entity
1	Identification certificates of the applicant	A notarized copy of passport of the author	A notarized copy of Business license
2	Author Declaration (or Undertaking letter)	A declaration in which the author undertakes that he created the work independently and did not plagiarize/copy the work of another person or organization.	
3	<b>Decision of task assignment</b>	A document demonstrating that the author's work is based on the task assigned to him or her in the case of commissioned work.	
4	Deed of Copyright Assignment (or Assignment Agreement)	A Deed of Copyright Assignment from the author/s to the applicant in the case of a commissioned work.	
5	Sample of the work	A sample on hard copy or electronic media; Information on which the work was created and finished, date and place of the first publication of the work	
6	<b>Power of attorney</b>	A document signed by a copyright applicant to appoint KENFOX to file and take all required actions for the copyright application at CoV.	
7	Others	Certifications of the inheritance, acquirement or receiving if it's involved.	

### 5. Where can we register copyright in Vietnam?

All types of works are registered at the [Copyright Office of Vietnam \(CoV\)](#) under the Ministry of Culture, Sports and Tourism. A copyright applicant may also file copyright applications with CoV's two representative offices in Ho Chi Minh City or Da Nang City. The contact details are provided below:

#### Copyright Office of Vietnam

Head Office: 33 lane 294/2 Kim Ma Street, Ba Dinh District, Ha Noi;  
Tel: (84) 243 8236908; Fax: (84) 243 8432630  
E-mail: [cbqtg@hn.vnn.vn](mailto:cbqtg@hn.vnn.vn)  
Website: <http://www.cov.gov.vn/>

#### Representative Office in Hochiminh City

Add: 170 Nguyen Dinh Chieu, District No3,  
Tel: (84) 283 930 8086; Fax: (84) 283 930 8087  
E-mail: [covhcm@vnn.vn](mailto:covhcm@vnn.vn)

#### Representative Office in Danang City

Add: 01, An Nhon 7 Street, An Hai Bac Ward, Son Tra District, Da Nang.  
Tel: (84) 2511.3606967;  
E-mail: [covdanang@vnn.vn](mailto:covdanang@vnn.vn)

### Two steps for copyright registration in Vietnam

Foreign authors and/or foreign copyright owners must appoint a local copyright qualified agent to apply for copyright registration in Vietnam. The filing must begin with an online submission, followed by paper applications that can be submitted directly to CoV or through a postal service provider.

For online copyright filing in Vietnam, it is required to firstly set up an online account at the following portal:  
[http://dichvucong.bvhttdl.gov.vn:3001/sso/register?client\\_id=987443117797&client\\_secret=I0xBuKOMkd7NqOdSNExJT21M8D4RX5&redirect\\_uri=https://dichvucong.bvhttdl.gov.vn/dvc/](http://dichvucong.bvhttdl.gov.vn:3001/sso/register?client_id=987443117797&client_secret=I0xBuKOMkd7NqOdSNExJT21M8D4RX5&redirect_uri=https://dichvucong.bvhttdl.gov.vn/dvc/)

Then, the copyright application and other relevant documents will be submitted to the CoV online portal at:  
<http://dichvucong.bvhttdl.gov.vn/dvc/thuTucHanhChinh?dv=511>

### 6. What are the costs of registering copyright in Vietnam?

The registration fee for copyright is provided under [Circular No. 211/2016/TT-BTC](#) dated 10 November 2016. determined by the type of work.

No.	Type of Work	Fee per Work (VND)
<b>I</b>	<b>Registration of copyright</b>	
1	a) Literary works, scientific works, textbooks, syllabi and other works which are expressed in writing or other characters (referred to as written works); b) Lecture, speech and other talks; c) Journalistic works; d) Musical works; dd) Photographic works.	100,000 ( <i>approx. US\$ 5</i> )
2	a) Architectural works; b) Plans, diagrams, maps, topography-related drawings and scientific works.	300,000 ( <i>approx. US\$ 15</i> )
3	a) Works of plastic arts; b) Works of applied arts.	400,000 ( <i>approx. US\$ 20</i> )
4	a) Cinematographic works; b) Theatrical works recorded on tapes and disks.	500,000 ( <i>approx. US\$ 25</i> )
5	Computer programs, data collection programs or other programs run on computers	600,000 ( <i>approx. US\$ 30</i> )

II	Registration of related rights	
1	Performances recorded on: a) Audio recordings; b) Visual recordings; c) Broadcasting programs.	200,000 (approx. US\$ 10) 300,000 (approx. US\$ 15) 500,000 (approx. US\$ 25)
2	Audio recordings	200,000 (approx. US\$ 10)
3	Visual recordings	300,000 (approx. US\$ 15)
4	Broadcasting programs	500,000 (approx. US\$ 25)

### 7. How long to obtain a copyright registration certificate in Vietnam?

Once the applicant's registration files are complete, he or she will receive an [official filing receipt](#) by CoV. After submitting the application, the applicant should expect to receive the registration certificate approximately **20 working** days later. If any documents are missing or clarifications are required, the applicant will be given an additional month to complete the procedure.

### 8. What is the term of protection provided to copyright owners?

No.	Type of Work	Term of Protection
1	a) Cinematographic, b) Photographic, c) Works of applied art, and d) Anonymous works	<ul style="list-style-type: none"> <li>▪ <b>75 years</b> from the date of first publication, or:</li> <li>▪ <b>100 years</b> from the date of fixation <b>if</b> such works (<i>except anonymous works</i>) have not been published within 25 years from its fixation</li> </ul>
2	For a work not specified at Point a), b), c) and d) above	The whole of the author's lifetime and for 50 years after his death.
3	For a work under joint authorship	The whole of the co-authors' lifetime and for 50 years after the death of the last surviving co-author.

### 9. When to register copyright in Vietnam?

It is critical to remember that a registration serves as proof of your work from the date of registration. It is therefore preferable to register sooner rather than later in order to establish evidence prior to your work being infringed.

### 10. Other important notes

#### ☛ Are photo works charged according to the number of pictures?

Copyright Office of Vietnam will only charge for one copyright application, not based on the number of pictures in one copyright application.

#### ☛ Registering a collection of works under one title

If there are many pictures in the same series, they can be registered in one copyright application.

Where multiple items form a larger collective work, it is possible to register all parts in one copyright application. For example: A website and artwork. A musical album complete with lyrics and midi files. A single collection of poems.

In such a case, the works will be registered with the Copyright Office of Vietnam as one item, with one title; this does not affect the copyright of the work in any way, but please ensure this is suitable for your needs. Please note that because copyright exists under the name of the author or company/commissioner of the work, work by different authors, organisations or collaborations need be registered separately.

#### ☛ **Online and postal copyright applications in Vietnam**

There are no additional fees associated with submitting copyright applications through CoV's portal and filing them directly or via postal mail with CoV.

#### ☛ **Unusual images**

In case your copyright application contains images of a person/persons, CoV will require you to submit an “**authorization letter**” or a “letter of consent” from the person/s whose image is included in your copyright application. Such a letter must state unequivocally that the individual consents to your use of his or her image in your work.

#### ☛ **Extracts, quotes etc.**

If your work contains portions that are not your own creation, CoV will require you to submit evidence of your authorization/permission to use such portions. Then, you must either obtain written permission from the copyright owner of the portions in question, or choose to delete any portions of your work that are not entirely your own creation in response to CoV.

[KENFOX copyright attorneys](#) have the legal expertise, knowledge, experience, and resources necessary to prosecute and/or defend you against allegations of copyright infringement in Vietnam, regardless of their complexity. Kindly contact us if you have any questions about copyright issues in Vietnam.