

LEGAL UPDATES (20 April 2020)

In this issue, we would like to bring to your attention a brief overview of the recent legal amendments concerning the following:

- Amendments of regulations on intellectual property border measures in Vietnam
- New mechanism on compensation, assistance, and relocation upon land expropriation in Ho Chi Minh city
- The Supreme People's Court to extend the implementation of the Directive 16 in 12 provinces and cities

1. Amendment of regulations on intellectual property border measures in Vietnam

The Ministry of Finance issued Circular No. 13/2020/TT-BTC (the “**Circular 13/2020**”) amending and supplementing a number of provisions of Circular No.13/2015/TT-BTC dated 30 January 2015 on inspection, supervision and suspension of customs procedures for imported and exported goods that are subject of requests for intellectual property rights protection, and control of exporting and importing counterfeit goods and goods infringing intellectual property rights. The Circular 13/2020 will be effective from 20 April 2020.

Some highlights introduced in Circular 13/2020 include the following:

- Applying the E-filing system for the submission of Requests for Customs Recordal or Renewal for Customs Recordal or Suspension of Customs procedures.
- The rights holder or its authorized representative is now entitled to submit an application for suspension of customs procedures for exported and imported goods, even if the General Department of Customs has not yet accepted an application for inspection and monitoring. The application must include:
 - (i) an application dossier for inspection and monitoring exported and imported goods;
 - (ii) a written form of suspension of customs procedures;
 - (iii) a guarantee certificate of a credit institution or guarantee amount; and
 - (iv) documents evidencing the payment of customs fees in line with the suspension of customs procedures.
- If an application for inspection and monitoring is filed via an authorized representative of the rights holder and the rights holder does not have head office in Vietnam, the power of

attorney must be legalized, unless there is no such requirement as agreed under international treaties to which Vietnam is a contracting party.

- Under the Circular 13/2020, it now is set out that the request to extend the suspension period shall be no more than 10 working days from the end of the suspension period. Accordingly, the total time for suspension of Customs procedure shall not exceed 20 days, which is compatible with the regulation of Law on Intellectual Property.

2. New mechanism on compensation, assistance, and relocation upon land expropriation in Ho Chi Minh city

Ho Chi Minh City People's Committee has issued Decision No. 07/2020/QD-UBND amending and supplementing a number of provisions of the Decision No. 28/2018/QD-UBND on 9 August 2018 on compensation, assistance and relocation upon land expropriation ("**Decision 07**"). This Decision entered into effect from 28 March 2020.

Some main points of the Decision 07 include:

(i) Dealing with houses built on land that is ineligible for compensation

- In cases houses constructed before 1 July 2006 on land that is ineligible for compensation and, at the time of construction, there were no land use plan already announced or houses were built in accordance with the land use plan announced without violating the protection corridor of technical infrastructure projects which had been molded, they will be compensated from 30% - 80% of the value.
- In cases houses constructed from 1 July 2006 to date: No compensation, no support. Those who have illegally constructed works shall have to dismantle the violating works or bearing expenses when the State agencies conduct the dismantlement.

(ii) Pro benefits of the people

According to the Decision 07, for the project that have compensation, assistance and resettlement plans approved under the Decision No. 28, the compensation committee of such project is responsible for reviewing the approved plan, in case there is any disparity in the increase in compensation and support level for houses, structures and architectural objects serving daily-life activities of households and individuals between the approved plan under Decision No. 28 in comparison to the compensation and support level under the calculation method specified in the Decision 07, then the project compensation committee shall report to the District People's Committee to propose the Chairman of the City People's Committee to consider and settle the support according to the competence specified in Article 25 Decree No. 47/2014/ND-CP of the Government.

(iii) The new method to calculate supporting amount for temporary settlement

Related to the supportive mechanism in Decision 07, the People's Committee of Ho Chi Minh City has issued Decision No. 10/2020/QD-UBND dated 10 April 2020 on the level of support

for expenses of renting temporary houses for households and individuals on the period waiting for the arrangement of houses and residential land for resettlement in the city. This Decision enters into effective from 20 April 2020.

Accordingly, the supportive amount for expenses of renting temporary houses shall be applied in accordance to the area in where the expropriated housing and /or residential land are located. For households with no more than four members, the supportive amount is VND 8,000,000 /household/month in area 1 (districts 1, 3, 5); 7,000,000/household/month in area 2 (districts 4, 6, 10, 11, Binh Thanh and Phu Nhuan, Tan Binh, Go Vap); VND 6,000,000/household/month in area 3 (districts 2, 7, 8, 9, 12, Thu Duc, Binh Tan and Tan Phu); and VND 5,000,000/household/month in area 4 (5 other districts).

3. The Supreme People's Court to extend the implementation of the Directive 16 on social distancing policy in 12 provinces and cities

On April 16th, the Supreme People's Court issued the Official Dispatch No. 127/TANDTC-VP requesting courts in high-risk provinces and cities to continue to suspend trials and handling lawsuits, civil cases to implement the Directive No. 16 on preventing and controlling COVID-19 epidemic until 22 April 2020.

Courts located in 12 high-risk provinces and cities, including: Hanoi, Lao Cai, Quang Ninh, Bac Ninh, Ninh Binh, Da Nang, Quang Nam, Binh Thuan, Khanh Hoa, Ho Chi Minh City, Tay Ninh and Ha Tinh continue to suspend resolving lawsuits and civil cases except for cases that expire to resolve (including the time of expiration). If it is mandatory to resolve cases in this period, courts must comply with the provisions of the procedural law as well as regulations on preventing epidemic.

The Official Dispatch also requires that, during this period, courts should give priority to solve cases with near expiration date, cases related to the prevention and control of Covid-19; cases serving local political duties and cases attracting public concern.

We hope this short Letter of legal updates would bring you useful information.

Best regards.

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