

LEGAL UPDATES (September 16th, 2019)

In these legal updates, we would like to send clients the legal updates on some following issues:

- Not facing criminal prosecution for the social insurance fraud happened before January 01st, 2018.
- Suspension of domain name “.vn” operation if impersonating registration.

1. **Not facing criminal prosecution for the social insurance fraud happened before January 01st, 2018**

Resolution No. 05/2019/NQ-HDTP issued on August 15th, 2019 by the Council of Justices of the Supreme People’s Court guidelines for application of Article 214 on social insurance and unemployment insurance fraud, Article 215 on health insurance fraud and Article 216 on evading payment of social insurance, health insurance, unemployment insurance for employees of the Criminal Code.

This Resolution provides guidelines for application of Article 214 on social insurance and unemployment insurance fraud, Article 215 on health insurance fraud and Article 216 on evading payment of social insurance, health insurance, and unemployment insurance for workers of the Criminal Code.

According to this Resolution, the frauds in social insurance, health insurance, unemployment insurance for employees which happened prior to 00:00 on January 01st, 2018, shall not be prosecuted as prescribed in Article 216 of the Criminal Code but the following actions shall be taken:

- If the penalty for administrative violation has not been applied and the prescriptive period for penalty for administrative violation has not expired, the competent authority may consider imposing an administrative penalty;
- If an administrative violation has been sanctioned and the violating individual or organization intentionally evades or delays the implementation, the prescriptive period for execution of the decision on sanctioning administrative violations shall be determined according to the provisions of Clause 2 Article 74 of the Law on Penalties for Administrative Violations;
- The execution and coercive execution of such decision on penalty for administrative violation shall conform to the law on execution and coercive execution of decisions on penalty for administrative violations;
- If there are damages caused to employees, social insurance agencies, or other organizations or individuals, the aggrieved parties may file civil lawsuits for requesting the compensation due to the non-contractual damages;
- The penalties for administrative violations imposed on those who evaded paying social insurance, health insurance or unemployment insurance for workers prior to 00:00 January 1st, 2018 shall not be regarded as basis for criminal prosecution as prescribed in Article 216 of the Criminal Code.

Resolution No.05/2019/NQ-HDTP comes into effect **on September 01st 2019.**

2. Suspension of domain name “.vn” operation if impersonating registration

Circular No. 06/2019/TT-BTTTT issued on July 19th, 2019 by the Ministry of Information and Communications amended the Circular No. 24/2015/TT-BTTTT dated August 18th, 2015 on management and use of internet resources.

This Circular supplement the cases of temporary suspension of operation of the domain name ".vn" as follow:

- The applicant for domain registration fails to be identified due to impersonation;
- The information about registration of domain name is inaccurate;
- The domain name user is an organization that has dissolved or no longer exists;

Within 30 (thirty) days from the date of suspension, if the applicant for domain registration updates, adds or completes the registration information, the suspension shall be removed.

Circular No. 06/2019/TT-BTTTT comes into effect **on September 15th, 2019.**

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

Best regards.

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We are also honored to receive numerous recognitions and/or articles posted by world-leading and local organizations and publications including: The Law Association for Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), The Saigon Times, etc.

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