

LEGAL UPDATES (April 5th, 2020)

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

- New social distance policies under the Directive No. 16/CT-TTg: How should it be understood?
- The urgent Notice of the Intellectual Property Office of Vietnam on applying the laws on statutory deadline in the context of the Coronavirus outbreak.

1. New social distance policies under the Directive No. 16/CT-TTg: How should it be understood?

In the efforts to prevent the spread of Covid-19 epidemic, on March 31st, 2020, the Prime Minister of Vietnam issued Directive No. 16/CT-TTg on the Implementation of Immediate Measures for the Prevention of the COVID-19 pandemic (“**Directive 16**”). Under the Directive 16, there are several strict social distancing rules set forth on a nationwide basis for fourteen (14) days starting from April 1st, 2020, including:

- Everyone is required to stay at home, except for essential trips such as buying food, medicine, for emergency circumstances, going to work at factories and businesses that do not close or suspend their operations;
- A minimum distance of two meters is required for meetings;
- Gatherings of more than two people are prohibited in all public places, except for workplaces, schools, and hospitals;
- Factories and workshops are required to ensure a safe distance among employees, facemasks must be worn, and workplaces must be sterilized according to regulations;
- All State agencies are required to implement work-from-home policy for their staff members, except for special needs;
- Public transportation services will be suspended and travel from region to region will be minimized, except for essential goods and services; and
- Border crossings between Vietnam and Cambodia and Laos will be temporarily closed from 1 April 2020. Immigration will be tightly controlled at all international border crossings; all those entering from Cambodia and Laos will be quarantined in central facilities for 14 days.

Currently, there are differences around the country in how Directive 16 is interpreted and what the companies should do to comply with this Directive. Therefore, on April 3rd, 2020, the Government Office issued an Official Dispatch no. 2601/VPCP-KGVX detailing the instructions on the implementation of the Directive 16 regarding a 14-day nationwide social distancing measures.

Some main points of the Official Dispatch include:

- Factories and production units, traffic and construction sites, and organisations supplying essential goods and services – food, medicine, oil and gas, utility, energy, etc. – will still operate normally.

- Banks, treasury offices, stock trading floors, and other services directly related to banking activities and businesses – notaries, lawyering, registration, or secured transactions – are also allowed to open.
- Post offices, logistics services, funeral services and healthcare services can also still operate.
 - The Official Dispatch also noted that it's up to each province and city administration's discretion to make a list of what services and businesses would need to be temporarily shuttered.

Although this document is not a very comprehensive guide for Directive 16, it however provides much greater confirmation that Directive 16 does not, in fact, impose the lockdown measure.

2. The urgent Notice of the Intellectual Property Office of Vietnam on applying the laws on statutory deadline in the context of the Coronavirus outbreak

On March 31st, 2020, the Intellectual Property Office of Vietnam (VNIPO) issued urgent Notice No. 5277/TB-SHTT ("**Notice No. 5277**"), adopting measures in relation to the deadline extension for establishment procedures of industrial property rights affected by the global COVID-19 outbreak, and laying down guidance on transaction procedures between the VNIPO and the Applicants over this period, in particular:

- All deadlines that relate to procedures for the establishment of industrial property rights and fall within the period from March 30th, 2020 to April 30th, 2020 will now be automatically extended until May 30th, 2020. The VNIPO has further elaborated on the procedures in this regard, including requests for claiming priority rights, submission of the required documents, submission of responses to the VNIPO's notices/decisions, maintaining the validity of patents, renewal of certificates of trademark registration, fees payment, and submission of appeal petitions.
- The VNIPO will begin to receive the requests for fast-track examination of patent applications filed under the PPH Program, pursuant to the agreement between the VNIPO and the Japan Patent Office, on May 4th, 2020, instead of the previously announced date of April 01st, 2020.
- From April 01st, 2020 until further notice, all transactions between the VNIPO (including its representative offices in Da Nang and Ho Chi Minh City) and applicants will only be performed through post-office services or the VNIPO's online filling system. The applicants' payment of the fees to the VNIPO will be made through post or by bank transfer to the VNIPO's account at The State Treasury of Vietnam until further notice.

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

Best regards.

ABOUT US,

Disclaimer: All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances. Apolat Legal can accept no responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication. On any specific matter, reference should be made to the appropriate adviser.

Apolat Legal is a professional law firm with its offices in Ho Chi Minh city and Ha Noi city. The firm's lawyer team specializes in almost all legal practice areas in Vietnam including Enterprise and Investment; Labor and Employment; Intellectual Property; Dispute Resolution; Real Estate and Construction; Information and Communication; Natural Resources and Environment; Transport; Industry and Trade; Education and Training; Finance and Banking; Agriculture; Legal Document Translation; Legal Training.

Our reputation and the quality of its services are reflected by our clients. We are serving nearly 1,000 clients both local and multi-national companies.

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.

Contacts:

HO CHI MINH CITY (Head office)

5th Floor, IMM Building
99-101 Nguyen Dinh Chieu, District 3
Ho Chi Minh City, Vietnam
SDT: +84-28-3899 8683
Email: info@apolatlegal.com
Website: www.apolatlegal.com

SINGAPORE (Affiliated office)

#26-10, SBF Center,
160 Robinson Road
Singapore 068914
Tel: +84-93-2014 986
Email: info@apolatlegal.com
Website: www.apolatlegal.com