

## LEGAL UPDATE (June 20<sup>th</sup>, 2022)

In this issue, we would like to bring to your attention to the following:

- Amended IP law passed by the National Assembly.
- Simplifying the application dossier for an inland shipping license.

### 1. **Amended IP law passed by the National Assembly**

On June 16<sup>th</sup>, 2022, the National Assembly officially passed the Law amending and supplementing a number of articles of the Law on Intellectual Property (“**amended IP Law**”). Some notable points of this Law include:

- Under the amended IP Law, Vietnam will recognize sound marks, which shows the country’s efforts to comply with international treaties and agreements to which it is a party, such as the EVFTA and CPTPP. Thus, Article 72.1 provides for that a trademark is a visible sign in the form of letters, words, pictures, figures, including three-dimensional shapes or a combination thereof, represented in one or more colors or is a sound sign represented in graphical representation;
- The criteria for co-authorship have been clarified with more details regarding the number of authors (from two authors and above), the contribution of the authors, the intent of the authors, etc;
- The National Assembly agreed to keep administrative sanctions as one of the measures to deal with IP infringement;
- The amended IP Law, for the first time, legalizes the act of “bad faith” into a legal ground allowing a third party to oppose a trademark application.

Other new regulations shall be updated by our IP team soon.

The amended IP Law shall take effect from January 1<sup>st</sup>, 2023, except for the regulation on protection of sound trademarks that took effect from January 14<sup>th</sup>, 2022, while the provisions on protection of test data for agricultural chemicals take effect from January 14<sup>th</sup>, 2024.

### 2. **Simplifying the application dossier for an inland shipping license**

On June 16<sup>th</sup>, 2022, the Minister of Transport issued Circular 08/2022/TT-BGTVT amending Circulars related to business activities in the maritime sector.

Accordingly, the application for an inland sea transport license for the transport of passengers and luggage from a tourist ship to the mainland includes:

- An application form according to the form specified in Appendix I issued together with Circular 50/2016/TT-BGTVT;
- 01 copy of Certificate of Ship Registration;
- 01 set of ship registration documents including certificates of technical safety and environmental protection issued to ships (copy) as prescribed in Circular 55/2019/TT-BGTVT;
- 01 copy from the master book or a copy and present the original for comparison or a legally valid electronic copy issued by a competent authority of one of the following papers:
  - + Agent contract;
  - + The letter of appointment of an agent representing the foreign ship owner (in case the applicant organization is the agent representing the foreign ship owner);
- Detailed plan for carrying out the transportation of passengers and luggage from the tourist ship to the mainland and vice versa.

Circular 08/2022/TT-BGTVT also adds an electronic copy of the agent contract or the letter of appointment of an agent representing the foreign shipowner, which can replace the paper copy.

Circular 08/2022/TT-BGTVT takes effect from June 16<sup>th</sup>, 2022.

We hope this Newsletter would bring you useful information.

Best regards.

**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.

## ABOUT US,

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)**

5<sup>th</sup> Floor, IMM Building  
99-101 Nguyen Dinh Chieu, District 3  
Ho Chi Minh City, Vietnam

**THE BRANCH IN HA NOI CITY**

Room A8, 29th Floor, East Tower, Lotte Center  
54 Lieu Giai, Cong Vi Ward, Ba Dinh District  
Hanoi City, Vietnam

Tel: +84-28-3899 8683

Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)

Website: [www.apolatlegal.com](http://www.apolatlegal.com)

**SINGAPORE (Affiliated office)**

#26-10, SBF Center,  
160 Robinson Road  
Singapore 068914  
Tel: +84-93-2014 986

Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)

Website: [www.apolatlegal.com](http://www.apolatlegal.com)

Scan QR code:

