

NATIONAL ASSEMBLY

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Law No. 16/2012/QH13

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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Hanoi, June 21, 2012

## LAW

### ON ADVERTISING

*Pursuant to the Constitution 1992 of the Socialist Republic of Vietnam amended and supplemented under the Resolution No. 51/2001/QH10;*

*The National Assembly promulgates the Law on Advertising*

#### Chapter I

### GENERAL PROVISIONS

#### Article 1. Scope of regulation

1. This Law specifies the advertising activities ; the rights and obligations of organizations and individuals participating in advertising activities; the State management of advertising.
2. The political propagation and dissemination are not regulated by this Law.

#### Article 2. Interpretation of terms

In this Law, the following terms are construed as follows:

1. Advertising is the employment of various means in order to present the public with the profitable products, goods and service; non-profitable products and services; organizations and individuals trading and providing the presented products, goods and services, except for news, social policies; personal information.
2. Profitable services are services aiming to make profit for the organizations and individuals that provide such services; non-profit services are services serving the social interests that do not make profit for the organizations and individuals that provide such services.
3. Advertisements include the contents and forms of advertising **demonstrated** using graphics, sounds, voices, text, symbols, colors, lights and similar forms.
4. Advertising promotions are activities of seeking and boosting the opportunity to sign the advertising contract.
5. Advertisers are organizations and individuals that demand to advertise their products, goods and services, or to advertise themselves.
6. Advertising service providers are organizations and individuals that perform one, a number of, or all the phases of an advertising process under the advertising contract with the advertiser.
7. Advertisement publishers are organizations and individuals using means of advertising under their management to present the advertisements to the public, including the press, publishers, website owners, organizers of sports events and cultural programs, and the organizations and individuals using other means of advertising.

8. Advertisement conveyors are people that directly bring the advertisements to the public or display the advertisements on their bodies in forms of wearing, hanging, sticking, drawing or similar forms.
9. Advertisement receivers are people that receive information from the advertisements via means of advertising.
10. Advertisement duration is the duration of broadcasting an advertisement on a channel, a TV program, and radio program; the advertisement duration in the total duration of a sports event or cultural program; the advertisement duration in a audio, video record, and other technological devices.
11. The advertisement area is the part displaying the advertisements on newspapers, video newspapers, electronics newspapers, websites, publications, billboards, means of transport or other similar means of advertising
12. *Special products, goods and services are products, goods and services that directly affect the human health and the environment.*
13. *Advertising screens are means of advertising using electronic technology to convey the advertisements, including LED, LCD screens and similar forms.*

### **Article 3. The State policies on advertising**

1. Protecting the lawful rights and interests of organizations and individuals in advertising activities.
2. Facilitating organizations and individuals' developing the advertising forms and improve the advertising quality.
3. Encouraging organizations and individuals to study, apply modern science and technology to the design and construction of advertisements, efficiently invest in advertising.
4. Facilitating and encouraging the development of the advertising workforce; prioritizing the investment in professional training for the officers and officials in charge of the State management of advertising.
5. Expanding the international cooperation in advertising.

### **Article 4. State management of advertising**

1. Promulgating and organizing the implementation of the legal documents on advertising.
2. Formulating and directing the strategies, planning, plans and policies on advertising development.
3. Disseminating the law on advertising.
4. Guiding the researches and application of science and technology to advertising.
5. Guiding and organizing the implementation of the professional training provision for the advertising workforce.
6. Organizing the commendation in advertising.
7. Getting international cooperation in advertising.

8. Carrying out inspections, settling complaints, denunciation and handling violations of advertising.

#### **Article 5. State management responsibilities for advertising**

1. The Government shall unify the State management of advertising.
2. The Ministry of Culture, Sports and Tourism is responsible to the Government for the State management of advertising.
3. The Ministries and ministerial-level agencies are responsible to cooperate with the Ministry of Culture, Sports and Tourism in performing the State management of advertising within their scope of duties and authority.
4. People's Committees all levels are in charge of the State management of local advertising activities within their authority

#### **Article 6. Advertising contract**

The cooperation among the subjects in advertising activities must be concluded in the advertising contract as prescribed by law.

#### **Article 7. Products, goods and services banned from advertising**

1. Goods and services banned from trade as prescribed by law.
2. Cigarettes.
3. Wine that contains 15<sup>0</sup> alcohol or above.
4. Dairy being breast milk substitute for children under 24 months old, dietary supplements for children under 06 months old; artificial feeding bottles and pacifiers
5. Prescription drugs, non-prescription drugs recommended by competent State agencies to use restrictively or under the doctor's supervision.
6. Pornographic products.
7. Shotguns and cartridges, sporting weapons and products that might incite violence.
8. Other products, goods and services banned from advertising specified by the Government depending on the actual requirements.

#### **Article 8. Prohibited acts in advertising**

1. Advertising the products, goods and services specified in Article 7 of this Law.
2. Using advertisements that reveal the State secrets, harm the independence and National sovereignty, National defense and security.
3. Using advertisement **inartistically**, contrary to the Vietnam's history, culture, ethics and traditional customs
4. Using advertisements that affect the urban scenery, the traffic safety and the social order.
5. Using advertisements that degrade the respectability of the National flag, the National emblem, the National anthem, the Party's flag, national heroes, cultural celebrities, the leaders of the State and the Party.

6. Using advertisements that express racial discrimination, sexual discrimination, prejudice against disabled people, or violate the freedom of belief and religion.
7. Using advertisements that offend the prestige, honor and dignity of other organizations and individuals.
8. Using advertisements that contain other people's pictures, words or text without obtaining their consent, unless otherwise permitted by law.
9. Advertising incorrectly or causing confusion about the business competence, the ability to provide products, goods and services of organizations and individuals trading and providing such products, goods and services; about the quantity, quality, prices, features, designs, package, brand name, kinds, method of service, warranty duration of the registered or announced products, goods and services.
10. Advertising using direct comparison of the prices, quality and efficiency of their products, goods and services to that of the other's products, goods and services of the same kind.
11. Advertising using the words "best", "the best", "only", "number one" or words with similar meaning without legitimate documents proving so as prescribed by the Ministry of Culture, Sports and Tourism.
12. Advertising using unhealthy competition contents as prescribed by law provisions on competition.
13. Using advertisements that violate law provisions on intellectual property.
14. Using advertisements that make children think, speak and act against the traditional customs and ethics, negatively affect the children's health, safety or natural development.
15. Forcing other agencies, organizations and individuals to make advertisements or receive advertisements involuntarily.
16. Hanging, placing, painting advertisements on electric poles, traffic lights and public trees.

#### **Article 9. Advertisement Appraisal Council**

1. Advertisement Appraisal Council is an advisory organization affiliated to the Ministry of Culture, Sports and Tourism, assisting the Minister in considering and drawing conclusion about the conformity of the advertisements to the law provisions when organizations and individuals request the advertisement appraisal
2. The Advertisement Appraisal Council include the representatives from the Ministry of Culture, Sports and Tourism, professional organizations of advertising and experts from relevant fields.
3. The Ministry of Culture, Sports and Tourism shall elaborate the organization and activities of the Advertisement Appraisal Council.

#### **Article 10. Professional organizations of advertising**

1. Professional organizations of advertising are established and operate under the law provisions.
2. The professional organizations of advertising are entitled to:
  - a) Protect the lawful rights and interests of their members;

- b) Formulate, submit the code of professional conduct in advertising to the Ministry of Culture, Sports and Tourism for approval, and organize the implementation of such code.
- c) Participate in formulating and the strategies, plans and policies on advertising development; the legal documents, technical regulations and standards of advertising and outdoor advertising planning;
- d) Nominate representatives and experts to join the Advertisement Appraisal Council at the request from competent State management agencies.
- dd) Conducting researches and application of science and technology to advertising; providing consultancy, information, professional training in advertising techniques and professional ethics
- e) Promote healthy competition in order to develop the advertising market and improve the advertisement quality;
- g) Cooperate with State management agencies to propagate and disseminate the law provisions on advertising, strengthen consumers' belief;
- h) Other duties and entitlement as prescribed by law.

#### **Article 11. Handling violations of advertising**

1. Organizations committing violations of this Law and other relevant law provisions shall be liable to administrative sanctions depending on the nature and extent of the violations, and pay compensation for the damage (if any) as prescribed by law.
2. Individuals committing violations of this Law and other relevant law provisions shall be disciplined, liable to administrative sanctions or criminal prosecution depending on the nature and extent of the violations, and pay compensation for the damage (if any) as prescribed by law.
3. State management agencies of advertising must be responsible for their decisions and pay compensation for the damage caused by their incorrect decisions as prescribed by law.
4. The Government shall specify the acts of violations, forms and rates of administrative sanctions against the violations of advertising.

### **Chapter II**

#### **RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS IN ADVERTISING**

#### **Article 12. Rights and obligations of advertisers**

1. Advertisers are entitled to:
  - a) Advertise their products, goods, services, organization and individual;
  - b) Make decisions on the forms and methods of advertising;
  - c) Receive information from local agencies in charge of advertising about the approved outdoor advertising planning;
  - d) Request advertisement appraisal;
2. Advertisers have the following obligations:

- a) Providing the advertising service providers or advertisement publishers with accurate information about the agencies, organizations, individuals, products, goods, services and the documents related to the advertising conditions and being responsible for such information.
- b) Ensuring that the product, goods and service quality is consistent with the advertisements;
- c) Being responsible for their advertisements when directing advertising on the means of advertising; or being jointly responsible for the advertisements when hiring others to advertise;
- d) Providing documents related to the advertisements at the request from the advertisement receiver or competent State agencies.

3. Other obligations and rights as prescribed by law.

### **Article 13. Rights and obligations of advertising service providers**

1. Advertising service providers are entitled to:

- b) Make decisions on the forms and methods of advertising business;
- b) Receive accurate and truthful information from the advertiser about the advertised organizations, individuals, products, goods, services and the documents related to the advertising conditions;
- c) Participate in the formulation of the local advertising planning and receive information from local agencies in charge of advertising about the approved outdoor advertising planning;
- d) Request advertisement appraisal;

2. Advertising service providers have the following obligations:

- a) Operating within the range specified in the Certificate of business registration and observing the law provisions on advertising;
- b) Examining the documents related to the advertising conditions of the advertised organizations, individuals, products, goods and services, and implement the relevant procedures under the advertising contract;
- c) Being responsible for the advertisements that they directly make;
- d) Providing documents related to the advertisements at the request from the advertisement receiver or competent State agencies.

3. Other obligations and rights as prescribed by law.

### **Article 14. Rights and obligations of advertisement publishers**

1. Advertising on their means and collecting service charges as prescribed by law.

2. Examining the documents related to the advertising conditions of the advertised organizations, individuals, products, goods and services

3. Providing the documents related to the advertisements at the request from the advertisement receiver or competent State agencies.

4. Performing the signed advertisement publication contracts and being directly responsible for the advertisements put on the means of advertising under their management.

5. Request advertisement appraisal;

6. Exercising and fulfilling other rights and obligations as prescribed by law.

#### **Article 15. Rights and obligations of the lessor of means and place of advertising**

1. Choosing the advertisers and advertising service providers.
2. Being responsible for the legitimacy of the lease of the place, the means of advertising, and their safety; fulfilling the obligations in the signed lease contracts
3. Being jointly responsible for the advertising constructions set up inconsistently with the construction license or without the construction license.
4. Exercising and fulfilling other rights and obligations as prescribed by law.

#### **Article 16. Rights and obligations of advertisement receivers**

1. Being entitled to receive truthful information about the quality, features and effects of the products, goods and services.
2. Being entitled to refuse advertisements.
3. Being entitled to request the advertiser or the advertisement publisher to pay compensation when the products, goods and services are inconsistent with the technical regulations and standards, the quality, quantity, features, effects and prices or other contents advertised by organizations and individuals.
4. Being entitled to denounce or file lawsuits as prescribed by law.
5. When denouncing or claiming compensation, the documents and evidence of the violations of law provisions on advertising must be provided for State management agencies, and the damage cause by the advertisements must be proved. The advertisement receiver is entitled to request the advertising service providers, advertisement publishers or advertisers to provide documents related to the advertisements.

### **Chapter III**

#### **ADVERTISING ACTIVITIES**

##### **Section 1. MEANS OF ADVERTISING; REQUIREMENTS OF ADVERTISING CONDITIONS AND CONTENTS**

#### **Article 17. Means of advertising**

1. Newspapers
2. Websites, electronic equipment, terminal devices and other telecommunication devices.
3. Print media, audio records, video records and other technological equipment.
4. Billboards, banners, signboards, advertising screens
5. Means of transport
6. Fairs, seminars, conventions, events, exhibitions, sports events and cultural programs
7. Advertisement conveyors; objects of advertisements.
8. Other means of advertising as prescribed by law.

#### **Article 18. Words and text in advertisements**

1. The advertisement content must be expressed in Vietnamese, except for the following cases:

- a) The brand name, slogan, trade mark or proper name is in foreign languages, or internationalized words that cannot be substituted by Vietnamese;
- b) Books, websites and print media permitted to be published in Vietnam's ethnic languages, foreign languages; radio, television broadcasts in Vietnam's ethnic languages or foreign languages.

2. For advertisements that contain both Vietnamese and the foreign language, the foreign font size must not exceed three quarters of the Vietnamese text and must be placed below the Vietnamese text; on radio, TV or other audio-visual media, the Vietnamese must be spoken before the foreign text

### **Article 19. Requirements for advertisement contents**

- 1. Advertisement contents must be truthful, accurate and clear without causing damage to producers, traders and advertisement receivers.
- 2. The Government shall specify the requirements for the advertisement contents of special products, goods and services.

### **Article 20. Advertising conditions**

- 1. Having the Certificate of business registration when advertising goods and services.
- 2. When advertising products, goods and services, the documents proving their conformity and qualification must be presented as prescribed by law.
- 3. Having the ownership certificate or the use right certificate when advertising property of which the ownership certificate or use right certificate is compulsory.
- 4. The advertisements of special products, goods and services must satisfy the following conditions:
  - a) Having the unexpired Circulation license and the medicine instruction sheet approved by the Ministry of Health when advertising medicines allowed to be advertised as prescribed by law provisions on medicines;
  - b) Having the cosmetics announcement sheet as prescribed by law provisions on medicines when advertising cosmetics;
  - c) Having the circulation registration certificate issued by the Ministry of Health when advertising domestic and medical chemicals, pesticides and antiseptic ;
  - d) When advertising milk and dietary products for small children not being specified in Clause 4 Article 7 of this Law, it is compulsory to have the standard certificate, food safety and hygiene certificate must be obtained regarding dietary products domestically produced, or the product quality certificate issued by the competent agency of the producing country, and the circulation license for imported dietary products.
  - dd) Having the food hygiene, safety and quality registration certificate when advertising food and food additives in the list of compulsory food quality safety and hygiene registration, or having the standard announcement dossier receipt from the competent State agency when advertising food and food additives in the list of compulsory standard announcement;



- e) Having the practice qualification issued by the Health sector when advertising medical examination and treatment services;
- g) Having the circulation license when advertising medical equipment domestically produced, or having the import license when advertising imported medical equipment;
- h) Having the plant protection drugs registration certificate when advertising plant protection medicine or plant protection drug materials. Having the plant quarantine certificate issued by the Ministry of Agriculture and Rural development when advertising useful organisms for plant protection;
- i) Having the circulation license and the product property summary sheet when advertising veterinary medicines and equipment;
- k) Having the product quality certificate or the written product quality announcement when advertising fertilizers, biological preparations serving farming, animal feed and biological preparations serving breeding.

5. The Government shall specify the requirements for the advertisement conditions for special products, goods and services depending on the actual requirements.

## **Section 2. ADVERTISEMENTS ON NEWSPAPERS, WEBSITES. ELECTRONIC EQUIPMENT, TERMINAL DEVICES AND OTHER TELECOMMUNICATION DEVICES.**

### **Article 21. Advertisements on newspapers**

1. The advertisement area must not exceed 15% of the total area of a newspapers, or 20% of the total area of a magazine except for advertising newspapers and magazines; The advertisement area must be distinguishable from other contents.
2. The press agencies is allowed to publish advertising supplements and must send written notification to the State agencies in charge of the press management in advanced at least 30 days before the first release date of the advertising supplements.
3. The advertising supplement must be separately numbered, similar in size and issued under the primary section.
4. The first page of the advertising supplement must specify the following information:
  - a) The newspaper name;
  - b) The name and address of the press agency;
  - c) The text "The sale price does not include the advertising supplement".
5. The advertisements must not be put on the first cover of a magazine, or the first page of a newspaper.

### **Article 22. Advertisements on audio and video newspapers**

1. The advertisement duration on audio newspapers and video newspapers must not exceed 10% of the total broadcast duration in a day of the broadcasting organization, except for the advertisement duration on the advertising channels or advertising programs. The advertisements must be distinguishable from other contents.

2. The advertisement duration on paid television must not exceed 5% of the total broadcast duration in a day of a broadcasting organization, except for the advertising channels or advertising programs.
3. The advertisements are banned from the following programs:
  - a) News;
  - b) Live radio, television broadcasts of special political events or the national anniversaries.
4. Each movie show must not be cut for advertising more than twice, each time must not exceed 05 minutes Each entertainment show must not be cut for advertising more than four times, each time must not exceed 05 minutes.
5. The advertisements of which the primary information is displayed in the form of running text or a series of animated pictures, the advertisements must be put at the bottom of the screen and must not exceed 10% of the screen height as well as affecting the main contents of the show. This form of advertising is not included in the advertisement duration of video newspapers.
6. Audio, video newspapers agencies must obtain the license from State agencies in charge of the press management when establishing advertising channels or programs The application for establishing the advertising channel or advertising program includes:
  - a) The written application for establishing the advertising channel or advertising program
  - b) The opinion from the line agency;
  - c) The authenticated copy of the license for press activities.
7. The press agency must send the application for the license amendment and supplement to the State agency in charge of the press management when changing the contents of the license to establish the advertising channel or advertising program. The application for the license amendment and supplement includes:
  - a) The written application for the license amendment and supplement;
  - b) The authenticated copy of the unexpired license.
8. The license is issued under the following procedures:
  - a) Within 30 days as from fully receiving the valid dossiers, the State agency in charge of the press management shall consider and issue the license to establish the advertising channel or advertising program to the press agency, and specify the reason if not
  - a) Within 15 days as from fully receiving the valid dossiers, the State agency in charge of the press management shall consider and issue the amended and supplemented license to the press agency, and specify the reason if not;
  - c) Within 07 days as from the license to establish the advertising channel, advertising program, or the amended and supplemented license is issued, the licensing agency must send the copy of the issued license to the State agency in charge of advertising management and People's Committees of central-affiliated cities and provinces (hereinafter referred to as provincial People's Committees) where the press agencies are located in order to cooperate in the management.

## **Article 23. Advertisements on electronic newspapers and websites**

1. The advertisements on electronic newspapers must comply with the following provisions:
  - a) The advertisements must not be designed and placed among the news;
  - b) The unfixed advertisements must be designed so that the reader may actively activate or inactivate the advertisements. The maximum activation latency of the advertisements is 1.5 second.
2. The advertisements on the websites of State agencies must comply with Clause 1 this Article.
3. The advertisements on the websites of foreign organizations and individuals doing multi-national advertising that earn incomes from advertising in Vietnam must comply with this Law and other relevant law provisions.
4. The Government shall elaborate Clause 3 this Article.

#### **Article 24. Advertisements on electronic equipment, terminal devices and other telecommunication devices.**

1. Advertising by sending text messages advertising emails:
  - a) Organizations and individuals are only allowed to send text messages and advertising emails after obtaining the consent from the receiver;
  - b) The electronic information and telecommunication service providers are only allowed to send text messages and advertising emails about their services via telephones from 7.AM to 10.PM. It is prohibited to send more than 3 advertising text messages to a telephone number, more than 3 emails to an email address within 24 hours, unless otherwise agreed by the receiver;
  - c) Advertising organizations and individuals must ensure that the receiver is able to refuse advertisements and must immediately stop sending the advertising emails and messages when the receiver notify their refusal. The refusal notification from the receiver must not be charged.
2. Other forms of advertisements on other telecommunication devices, electronic devices and terminal devices must comply with this Law and other relevant law provisions.

### **Section 3. ADVERTISEMENTS ON PRINT MEDIA, AUDIO RECORDS, VIDEO RECORDS AND OTHER TECHNOLOGICAL EQUIPMENT**

#### **Article 25. Advertisements on print media**

1. For books and documents in forms of books, the advertisements for the authors, the writings and the publishers must only be placed on the second, third and fourth cover, except for advertising books.
2. For non-business documents, only the advertisements for the author, the writing or the symbol, logo, brand name, products services and activities of the organizations and individuals allowed to publish such documents are permitted.
3. The advertisements on pictures, posters, catalogues, fliers and leaflets for political, economic, cultural, social, scientific, technological, literature and artistic propagation and dissemination must not exceed 20% area of the item.

The symbol, logo and brand name of the advertisers must be put at the bottom of the print product.

4. Advertisements are banned from print products being money or valuable papers, certificates and State management documents.
5. The advertisements on pictures, posters, catalogues, fliers, leaflets and other print products not being prescribed in Clause 3 and Clause 4 this Article must contain the name and address of organizations and individuals providing advertising services or the advertisers, the print quantity and print location.

#### **Article 26. Advertisements in audio records and video records.**

The advertisement duration in audio, video records of programs on cultures, art, movies, or audio, video records being book substitutes or book illustration must not exceed 5% of the program duration.

### **Section 4. ADVERTISEMENTS ON BILLBOARDS, BANNERS, SIGNBOARDS, ADVERTISING SCREENS AND MEANS OF TRANSPORT**

#### **Article 27. Advertisements on billboards and banners**

1. The positions of billboards and banners must comply with law provisions on cultural and historical relic protection area, safe traffic corridor, dykes and national electric network; must not block out the traffic lights and public road signs; must not cross the roads and must comply with the local advertising planning and the technical regulations promulgated by competent agencies.
2. The advertisements on the billboards and banners must specify the names and address of their maker.
3. The advertisements on billboards and banners being political and social policy propagation must comply with the following provisions:
  - a) The symbols, logos and brand names of the advertisers must be put at the bottom of the billboards and vertical banners, or on the right of the horizontal banners;
  - b) The area for displaying the symbols, logos and brand names of the advertisers must not exceed 20% of the billboard and banner area.
4. The time limit for putting up a banner is 15 days.

#### **Article 28. Advertisements on advertising screens**

1. The positions of advertising screens must comply with this Law, other relevant law provisions and the local outdoor advertising planning.
2. Sounds must not be used in advertisements on outdoor advertising screens.
3. Sounds may be used in the advertisements on screens not being specified in Clause 2 this Article in accordance with law provisions on environment.

#### **Article 29. The dossier on billboard, banner advertisement notification**

1. The written notification of billboard, banner advertisement must specify the contents, time and place of advertisements, the quantity of billboards, banners.
2. The copy of the Certificate of business registration of the advertising service provider or the Certificate of business registration of the advertiser in case of self-advertising.

3. The copies of documents proving the conformity and qualifications of products, goods and services as prescribed by law, or papers proving the eligibility for advertising as prescribed in Article 20 of this Law.
4. The copies of the event documents from the organizer for advertisements of social policies and events.
5. The color design marquette of the advertisements with the signature of the advertising service provider or the advertiser in case of self-advertising. For advertisers and advertising service providers being organizations, the seal of the organization is required.
6. Documents proving the ownership or the right to use the billboard; the ownership or the right to use the advertising location for banners
7. The perspective drawing of the billboard location.
8. The copy of the license to build advertising constructions regarding the billboards subject to construction licenses as prescribed in Clause 2 Article 31 of this Law.

### **Article 30. Procedures for notifying billboard, banner advertisements**

1. Organizations and individuals demanding advertising on billboards and banners must send the dossier on advertisement notification to local competent agencies in charge of advertising management before the advertisement 15 days.
2. If there is no response within 05 working days as from the day the local competent agency in charge of advertising management confirm the dossier reception, the organization or individual is entitled to perform the notified advertisements. In case the local competent agency in charge of advertising management does not approve, the written response specifying the reasons must be sent.

### **Article 31. Licensing advertising constructions.**

1. The construction of outdoor advertising screens, signboards, independent billboards attached to another existing construction must comply with this Law, other relevant law provisions and the local outdoor advertising planning.
2. The construction of outdoor advertising screens, signboards, independent billboards attached to another existing construction must be issued with the construction license from local competent agencies in charge of construction in the following cases:
  - a) Building outdoor advertising screens with 20 m<sup>2</sup> of one side or above;
  - b) Building signboards, billboards with over 20 m<sup>2</sup> of one side with metal structure or similar materials and attached to another existing construction.
  - c) Independent billboards with 40 m<sup>2</sup> one side or above.
3. The application for the advertising construction license includes:
  - a) The written application for the advertising construction license;
  - b) The copy of the Certificate of business registration of the organization or individual applying for the advertising construction license;
  - c) The authenticated copy of one of the following papers: the land use right certificate, the written agreement or contract for land lease as prescribed by law provisions on land regarding

independent advertising constructions; the location lease contract between the investor of the advertising construction and the owner, or the legal owner of the advertising construction attached to another existing construction, or the written bid winning notice for the advertising locations subject to compulsory bidding in the planning;

d) For advertising constructions attached to another existing construction, the written agreement or the contract between the investor of the advertising construction and the owner or the person authorized to manage the existing construction;

dd) The design drawing from the legal design organizations demonstrating the isometric surface, cross section, orthographic projections and the foundation projection of the construction together with the signature and seal of the advertising construction investor. For advertising constructions attached to another existing construction, the design drawing must demonstrate the connection of the advertising construction and the existing construction.

4. The advertising construction license is issued under the following procedures:

a) The organization or individual applying for the advertising construction license shall submit the dossier at the local competent agency in charge of construction;

b) For advertising locations within the advertising plan approved by the provincial People's Committee, the local competent agency in charge of construction shall issue the advertising construction license within 15 days as from fully receiving the valid dossier. If the license is not issued, the reasons must be specified in the written response;

c) In case the advertising plan is not yet approved, the local competent agency in charge of construction shall send the written request for the opinion from relevant agencies within 02 working days as from receiving the valid dossier. Within 05 working days as from receiving the written request for opinion from the local competent agency in charge of construction, the relevant agencies stated above must send written response to the local competent agency in charge of construction. Within 13 days as from obtaining the opinion from the relevant agencies stated above, the local competent agency in charge of construction shall issue the advertising construction license. If the license is not issued, the reasons must be specified in the written response.

### **Article 32. Advertising on means of transport**

1. The advertising on means of transport must comply with this Law and law provisions on traffic.

2. The advertisements must not be displayed on the front, the back and the roof of the vehicle. The advertisement area must not exceed 50% area of each permissible side of the vehicle. The display of symbols, logos of the vehicle owners or the car corporations must comply with the law provisions on traffic.

### **Article 33. Advertisements using loudspeakers and similar forms**

1. The advertisements using loudspeakers and similar forms at a fixed location must comply with the following provisions:

a) The noise level must not exceed the acceptable level as prescribed by law provisions on environment;

b) It is prohibited to advertise at armed force units, schools and hospitals

- c) It is prohibited to advertise on the radiobroadcast system serving the political duties of the commune, district or town.
- 2. It is prohibited to advertise by loudspeakers attached to means of transport and other movable means in urban areas.

#### **Article 34. Signboards of organizations and individuals doing business and production**

- 1. The signboard must include the following contents:
  - a) The name of the direct line agency (if any);
  - b) The name of the production facility or the business establishment consistent with the Certificate of business registration;
  - c) The address and phone number.
- 2. The text on the signboard must comply with Article 18 of this Law.
- 3. The signboard sizes are specified as follows:
  - a) For horizontal signboards, the maximum height is 02 meters (m), the length must not exceed the width of the house front;
  - b) For vertical signboards, the maximum width is 01 meter (m), the maximum height is 04 meters (m) but must not exceed the height of the floor where the signboard is located.
- 4. The signboard must not block the emergency exit and fire fighting space, must not violate the pavement, the road or affect the public traffic.
- 5. The signboard location must comply with this Law and the technical regulations promulgated by competent agencies.

#### **Section 5. ADVERTISEMENTS IN SPORTS EVENTS AND CULTURAL PROGRAMS, CONVENTIONS, SEMINARS, FAIRS, EXHIBITIONS, EVENTS, ADVERTISING PERFORMER TEAMS, OBJECTS OF ADVERTISEMENTS**

##### **Article 35. Advertisements in sports events and cultural programs**

- 1. The advertisements in sports events and cultural programs must comply with law provisions on art and sports.
- 2. The advertisements must not be put at the same height or higher than the program symbol, logo or name; the font size on the advertisements must not exceed one half of the font size of the program name.
- 3. The advertisements on stage must ensure the scenery and must not block the audience's vision.
- 4. The advertisements in stadiums and places where sports events take place must not block out the National flag, the National emblem, the leader pictures, the stadium displays and the audience's vision; must not affecting the training, competitions and demonstration of the athletes, the trainers' instructions and the performance of the organizers, referees, guides, medics and other attendants.

##### **Article 36. ADVERTISING PERFORMER TEAMS, CONVENTIONS, SEMINARS, FAIRS, EXHIBITIONS, EVENTS, OBJECTS OF ADVERTISEMENTS**

1. The advertising performer team must comply with the following provisions:

- a) The advertising performer team is a team with 3 people or above that wear costumes or carry pictures and items showing the advertisements at a fixed place or travel down the street;
- b) The advertising performer team must ensure the traffic safety and social order; observe the law provisions on advertising and other relevant law provisions;
- c) Organizations and individuals holding advertising performer teams must notify the local competent agency in charge of advertising management of the contents and form of the advertisements, the quantity of people in the event, the time and route at least 15 days before the advertisement.

Within 15 days as from receiving the notification, if the local competent agency in charge of advertising management does not approve, the written response specifying the reasons must be sent. If there is no response after the time limit above, organizations and individuals are entitled to perform the notified advertisements.

2. Seminars, conventions, events, exhibitions, advertisement conveyors, objects of advertisements and other means of advertising must comply with this Law and other relevant law provisions, ensure the urban scenery, landscape, traffic safety and social order.

## **Section 6. OUTDOOR ADVERTISING PLANNING**

### **Article 37. Contents and principles of outdoor advertising planning**

1. The outdoor advertising planning must specify the location, design, size, material and quantity of the means of advertising on the national roads, provincial roads, district roads and means of advertising in urban areas.

2. The development outdoor advertising planning must comply with the following principles:

- a) Conformable with law provisions on advertising, construction, traffic and other relevant law provisions;
- b) Conformable with the local construction planning, ensuring the urban scenery, traffic safety and social order;
- c) Ensuring the stability, transparency and feasibility;
- d) Ensuring the unanimity and harmony among the localities at the intersection on national and provincial roads;
- dd) Prioritizing the advertising locations consistent with the existing planning; if the adjustment of the planning causes damage to organizations and individuals, the planning approval agency is responsible for offering compensation as prescribed by law;
- e) Obtaining the opinion from organizations and individuals participating in the advertising activities and from the people.

3. The Government shall elaborate the dossier and the procedures for developing, approving, implementing and adjusting the advertising planning.

### **Article 38. The responsibilities for developing and guiding the implementation of outdoor advertising planning**

1. Provincial People's Committees are responsible for:



- a) Developing and approving the local outdoor advertising planning within 12 months as from this Law takes effect;
- b) Adjusting the advertising planning periodically in accordance with the local development;
- c) Posting the planning documents and drawing at the offices of People's Committees at all levels and announce it on local means of mass media;
- d) Guiding, expediting and inspecting the implementation of outdoor advertising planning.

2. The Ministry of Construction is responsible for:

- a) Promulgating technical regulations on outdoor means of advertising within 06 months as from this Law takes effect;
- b) Cooperating with the Ministry of Culture, Sports and Tourism, the Ministry of Transport and relevant Ministries to guide the locality to develop their advertising planning under the technical regulations promulgated by the Ministry of Construction.

## **Chapter IV**

### **ADVERTISEMENTS RELATED TO FOREIGNERS**

#### **Article 39. Advertisements of foreign organizations and individuals in Vietnam**

- 1. Foreign organizations and individuals operating in Vietnam are entitled to advertise their products, goods, services and operation in Vietnam as prescribed in this Law.
- 2. Foreign organizations and individuals not operating in Vietnam demanding to advertise their products, goods, services and operation in Vietnam must hire an advertising service provider in Vietnam.

#### **Article 40. Foreign investment and cooperation in advertising**

- 1. Foreign organizations and individuals are allowed to cooperate with Vietnamese advertising service providers in forms of joint ventures or business association contracts
- 2. The foreign investment and cooperation in advertising must comply with law provisions on investment.

#### **Article 41. Representative offices of foreign advertising agencies in Vietnam**

- 1. Foreign advertising agencies are entitled to establish representative offices in Vietnam.
- 2. The representative offices are allowed to operate after obtaining the license from the provincial People's Committee where the foreign enterprise request the representative office establishment.
- 3. The representative offices are only allowed to promote advertising, not directly providing advertising services.
- 4. The Government shall specify the authority, dossier and procedures for licensing the establishment of representative offices of foreign advertising agencies in Vietnam.

## **Chapter V**

### **IMPLEMENTATION PROVISIONS**

#### **Article 42. Effects**

This Law takes effect on January 01, 2013.

The Ordinance on advertising No. 39/2001/PL-UBTVQH10 on November 16, 2011 is annulled as from this Law takes effect.

**Article 43. Elaborating and guiding the implementation**

The Government and competent agencies shall elaborate and guide the implementation of the Articles and Clauses in this Law as assigned.

*This Law has been approved on June 21, 2012 by the 8<sup>th</sup> National Assembly of the Socialist Republic of Vietnam in the 3<sup>rd</sup> session.*

**THE NATIONAL ASSEMBLY PRESIDENT**

**Nguyen Sinh Hung**