**Procedures and legal notes for the announcement of the website introducing pharmaceutical products in Vietnam**

In the process of providing its legal services, the Consultant and licensing support (Licensing consultants' team) of **ADK Law Firm** received a lot of questions and consulting issues from domestic and foreign clients related to the registration and announcement of their company's website, especially customers operating in the pharmaceutical field. By a short article, we would like to share some information about this administrative procedure for customers and partners to easily grasp in a timely manner.

1. **Registration, website annoucement**

Pursuant to Clause 1, Article 25 of Decree 52/2013/ND-CP of the Government stipulates: “1. Sales e-commerce website is an e-commerce website set up by traders, organizations or individuals to serve their own **trade promotion[[1]](#footnote-2)**, goods sale or service provision.”

And the provisions in Clause 1, Article 53 of Decree 52/2013/ND-CP of the Government stipulate: *“1. Traders, organizations and individuals setting up* ***sales e-commerce websites must notify the Ministry of Industry and Trade*** *through the online notification tool on the e-commerce management portal;”*

Thus, for websites with the function of introducing their own products and services, they are considered as **sales e-commerce websites** and businesses have to perform the notification procedures with the Ministry of Industry and Trade in accordance with the laws.

**Website notification procedure:**

Step 1: Traders, organizations and individuals register for an account to access into the system;

Step 2: Within 03 working days, traders, organizations and individuals receive results from the Ministry of Industry and Trade via registered email addresses;

Step 3: After being granted an account to access into the system, traders, organizations and individuals access, select the function Notify sales e-commerce website and declare information according to the form;

Step 4: Within 03 working days, traders, organizations and individuals receive a feedback from the Ministry of Industry and Trade via registered email address.

**Notes:** Within 03 working days after receiving a complete and valid notification dossier, the Ministry of Industry and Trade will send traders, organizations and individuals a code snippet via registered email to attach to the sales e-commerce website, displayed as the announced icon.

1. **Medicine Avertisement**

Posting of product information on the website is very close to the concept of "Advertising" according to the Advertising Law: “1. **Advertising is the use of means to introduce to the public products**, goods and services for profit purposes; products and services with no profit-making purposes; organizations and individuals trading in introduced products, goods and services, except for current news; social policies; personal information."

In order to advertise drugs, enterprises need to carry out the procedure "**Issuing a Certificate of Medicine Advertising Content**".

However, this procedure often consumes a lot of business time as well as costs.

Therefore, in fact, in order to be clear and avoid misunderstanding with drug advertising activities, websites when posting information about drug products, some businesses often set up an automatic notice for customers with the following content: “*This information is for informational purposes only, not for advertising purposes. Please confirm that you are a medical staff or have a need to learn about the product.*”

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 (Licensing consultants’ team)

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1. Clause 10, Article 3 Commercial Law 2005: “*Trade promotion means activities to promote and seek opportunities to buy and sell goods and provide services, including promotional activities, commercial advertising, display and introduction of goods and services and fairs. trade exhibition*”. [↑](#footnote-ref-2)