**LEGAL UPDATE (June 20th, 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 16th, 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 1st, 2023, except for the regulation on protection of sound trademarks that took effect from January 14th, 2022, while the provisions on protection of test data for agricultural chemicals take effect from January 14th, 2024.

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

On June 16th, 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 16th, 2022.

We hope this Newsletter would bring you useful information.

Best regards.

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