

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 27/2018/ND-CP

Hanoi, March 1, 2018

DECREE

ON AMENDMENTS TO GOVERNMENT'S DECREE NO. 72/2013/ND-CP DATED JULY 15, 2013 ON MANAGEMENT, PROVISION AND USE OF INTERNET SERVICES AND ONLINE INFORMATION

Pursuant to the Law on Government organization dated June 19, 2015;

Pursuant to the Law on telecommunications dated November 23, 2009;

Pursuant to the Law on Information technology dated June 29, 2006;

Pursuant to the Law on Press dated April 5, 2016;

Pursuant to the Law on Publishing dated November 20, 2012;

Pursuant to the Law on Investment dated November 26, 2014;

Pursuant to the Law on Enterprises dated November 26, 2014;

At the request of the Minister of Information and Communications;

The Government promulgates a Government's Decree No. 72/2013/ND-CP on amendments to Government's Decree No. 72/2013/ND-CP dated July 15, 2013 on management, provision and use of internet services and online information.

Article 1. Amendments to certain articles of Government's Decree No. 72/2013/ND-CP dated July 15, 2013 on management, provision and use of internet services and online information (hereinafter referred to as Decree No. 72/2013/ND-CP)

1. Article 3 shall be amended as follows:

a) Article 11 shall be amended as follows:

“11. Public gaming centers are places where organizations and individuals may legally provide players with access to the Internet and video games by establishing a system of equipment at such locations, including:

a) Public Internet access points providing video games: Internet agencies; public Internet access points of Internet service providers; public Internet access points at hotels, restaurants, airports, coffee shops and other public places that enter into Internet agency contracts with Internet service providers;

b) LAN/WAN gaming centers without access to Internet”.

b) Clauses 25, 26, 27, 28 shall be added as follows:

“25. New gTLDs are generic top-level domains that the Internet Corporation for Assigned Numbers Authority (ICANN) additionally provides for organizations and individuals worldwide under the New gTLD Program enabling the expansion of the domain name system.

26. Services mean services that ".vn" domain registrars enable entities to create, update, maintain and manage domains under “.vn” domain in the domain name database and national DNS system, including:

a) Register and maintain domains; ensure the absolute security for domain names and domain name databases;

b) Preserve, report, and provide information on domain names and information of organizations or individuals applying for the domain registration;

c) Collect, pay domain fees and charges.

27. Virtual currency is a tool commonly used by video game service vendors to exchange, purchase virtual items, reward points, and in-game skills.

28. National interest protection relevant to New gTLD and second-level domain under New gTLD refers to measures to be adopted to prevent free registration and use of New gTLD and second-level domain under New gTLD to infringe national interests.”

2. Article 9 shall be amended as follows:

a) Article 1 shall be amended as follows:

“1. Internet agencies have the rights and obligations below:

a) Establishing a system of terminal devices at the licensed place to provide Internet access services for users at the place;

b) Putting up a sign “Đại lý Internet” (Internet agency) which specifies the number of Internet agency business registration; in case of an Internet agency cum gaming center, it will put up a sign as prescribed in Article 35 of this Decree;

c) Putting up the regulations on Internet service provision in noticeable positions, specifying the prohibited acts specified in Article 5 of this Decree, rights and obligations of Internet users in Article 10 of this enterprise;

d) Providing Internet access services in accordance with the quality and charges in the Internet agency contract;

dd) In case of online gaming services, the Internet agencies also have the rights and obligations of owners of gaming centers in Article 36 of this Decree;

e) Preventing Internet users from using the computers to commit the prohibited acts in Article 5 of this Decree;

g) Requesting the enterprise that signs the Internet agency contract to provide guidance and information about Internet access services, and facilitate the inspections and supervisions carried out by that enterprise;

h) Joining in the training courses in Internet offered by local state agencies and Internet service providers;

i) Complying with the regulations on information safety and information security;

k) An Internet agency not providing video games shall comply with regulations on operation hours prescribed by People's Committees of provinces or central-affiliated cities (hereinafter referred to as provinces). An Internet agency providing video games shall comply with regulations on operation hours as prescribed in Clause 8 Article 36 of this Decree."

b) Article 2 shall be amended as follows:

"2. Rights and obligations of owners of public Internet access points of enterprises:

a) Putting up a sign "Điểm truy nhập Internet công cộng" (public Internet access point) which specifies the name of the enterprise and number of license to provide Internet services; in case of public Internet access point cum gaming center, it will put up a sign as prescribed in Point c Clause 2 Article 35 of this Decree;

b) The rights and obligations specified in Points a, c, dd, e, h, i Clause 1 of this Article;

c) Public Internet access points of enterprise not concurrently providing video games shall comply with regulations on operation hours prescribed by People's Committees of provinces. Public Internet access points of enterprise concurrently providing video games shall comply with regulations on operation hours as prescribed in Clause 8 Article 36 of this Decree".

c) Article 5 shall be added as follows:

“5. Each People’s Committee of province shall stipulate operation hours of Internet agencies and public Internet access points not concurrently providing video games in province.”

3. Article 12 shall be amended as follows:

a) The phrase “Điều kiện” (conditions) prescribed in Clause 7 shall be annulled;

b) Clauses 8 and 9 shall be added as follows:

“8. An agency/organization is only allowed to issue subdomains under the domain to its members or employees and manage subdomains that are issued; and is not allowed to issue subdomains to other entities.

9. Online newspapers and websites of Communist party agencies and regulatory agencies must use at least 1 domain name “.vn” and store information in the DNS servers with IP address in Vietnam.”

4. Article 12a shall be added as follows:

“Article 12a. Protection of Vietnam interests in registration and use of New gTLD and second-level domain under New gTLD

1. New gTLD and second-level domains under New gTLD in connection with Vietnam interests include domain names that contain:

a) Name and code of Vietnam;

b) Names or abbreviated names of Vietnam throughout periods, names illustrating national picture of Vietnam;

c) Geographical names and names of geographical areas lying in the sea boundary areas, inland regions and in the airborne border regions of Vietnam according to the provisions of Vietnamese law;

d) Names of provinces and central-affiliated cities;

dd) Names of UNESCO World Heritage Sites in Vietnam;

e) Names of national monuments and special national monuments, national treasures, national tangible cultural heritage and national intangible cultural heritage, national symbols and national tourist sites of Vietnam;

g) Names of organizations of the Communist Party, regulatory bodies and socio-political organizations;

h) Phrases that need to be protected according to Vietnam's national security and defense regulations;

i) Names of personalities, national heroes and leaders of Vietnam;

k) Other names prescribed by the Prime Minister.

2. Responsibilities of ministries, branches and organizations of the Communist Party and regulatory bodies in the protection of national interests related to the domain names New gTLD and second-level domain names under the New gTLD:

a) The Ministry of Information and Communications shall take charge and cooperate with relevant entities in: Assessing the registration and use of New gTLD domains and second-level domains under New gTLD; taking action against ICANN or international domain management organizations in the event that they register or use domain names that may infringe national interests in accordance with the criteria Clause 1 of this Article;

b) The ministries, branches and organizations of the Communist Party and regulatory bodies shall cooperate with the Ministry of Information and Communications and concerned entities in: making lists, monitoring the registration and use of domain names under the management of the units according to the criteria specified in Clause 1 of this Article; propose funds for the registration of use of domain names, which must be protected on the principle of efficient use of the State budget for the protection of national interests; participate in evaluating the registration requirements and use the New gTLD domains and second-level domains under the New gTLD at the request of the Ministry of Information and Communication;

c) The Ministry of Finance shall assess and provide funds for domain name registration as prescribed in Clause 2 of this Article.”

5. Article 14 shall be amended as follows:

a) Article 1 shall be amended as follows:

“1, ".vn" domain registrars are enterprises that render Services, including:

a) Any enterprise established in accordance with Vietnam's law: may render Services for entities in Vietnam and overseas entities. When providing Services for foreign entities, apart from Vietnamese regulations and laws on Internet, ".vn" domain registrars must also comply with law of country that the services are rendered;

b) any foreign ".vn" domain registrar who signs a contract with an accredited domain registrar of ICANN: may render Services for overseas entities. When providing Services for foreign entities, apart from regulations and laws on Internet in such country, ".vn" domain registrars must also comply with Vietnamese law on Internet.”

b) Clauses 4, 5, 6, 7 shall be added as follows:

“4. An enterprise seeking to render Services will submit an application for rendering Services to Vietnam Internet Network Information Center (VINIC) affiliated to the Ministry of Information and Communications. The application includes:

- a) An application form for rendering Services using the form No. 01 in Appendix I issued herewith;
- b) A valid copy, including copy extracted from master register or certified true copy or a copy enclosed with original of certificate of business registration (or a valid copy of other valid certificate, equivalent license issued before the date of entry into force of the Law on Investment No. 67/2014/QH13 and the Law on Enterprise No. 68/2014/QH13);
- c) A notarized translation of the contract concluded by a foreign entity and Accredited Registrar of Internet Corporation for Assigned Names and Numbers (ICANN) (required if the foreign entity concludes a contract with Accredited Registrar of ICANN);
- d) A plan for employment of qualified personnel and use of techniques in conformity with scope of operation to render Services.

5. VINIC affiliated to the Ministry of Information and Communications shall consider concluding a contract for rendering Services with an enterprise according to the following criteria:

- a) The need for rendering Services;
- b) Services to be rendered in a manner in conformity with Internet resources planning;
- c) Criteria for eligibility for rendering Services prescribed in Clause 2 of this Article are met.

6. A contract for rendering Services prescribed in Clause 5 of this Article shall contain terms of the contents prescribed in Form No. 27 in Appendix I issued herewith.

7. When rendering the Services, a “.vn” domain registrar must:

- a) Refrain from infringing and causing harm to rights and legitimate interests of others and other “.vn” domain registrars;
- b) Refrain from taking advantage of a domain name registrar to appropriate, obstruct or seek to obstruct entities from registering or using legal domain names”.

6. Clause 3 Article 15 shall be amended as follows:

“3. International domain name registrars have the rights and obligations below:

- a) Managing information about the organizations and individuals in Vietnam that register international domain names, including their names, residences, phone numbers, fax numbers,

email addresses of organizations, dates of birth, numbers of identification card/passport, dates of issues, residences, phone numbers, and email addresses of individuals;

b) Instructing organizations and individuals that register international domain names to use international domain names as prescribed in Clause 2, Clause 3 Article 23 of the Law on Information technology dated June 29, 2006;

c) Providing information and cooperating with competent authorities in settling the cases related the international domain names under their management;

d) Within 15 days from the date on which the Services relevant to international domain names are rendered to the public, the international domain name registrar shall send a report to VINIC affiliated to the Ministry of Information and Communications using Form No. 02 in Appendix I issued herewith, and enclose a notarized translation of contract concluded with ICANN or the Accredited Registrar of ICANN to render international domain registration services in Vietnam;

dd) Before 15th of the first month of a quarter, the international domain name registrar shall send an updated list of international domain names under its management to VINIC at the address www.thongbaotenmien.vn as guided.

7. Article 23 shall be amended as follows:

“Article 23. Managing the establishment of websites and social networking sites

a) Article 5 shall be amended as follows:

“5. An organization or enterprise shall be issued with a license to establish news websites or license to establish social networking sites when the conditions below are satisfied:

a) It is established under Vietnam’s law and its functions, tasks, or registered business lines are conformable with the services and information posted on the national business registration portal;

b) It has qualified personnel as prescribed in Article 23a of this Decree;

c) The domain names to establish the news website of social networking site are registered and conformable to Article 23b of this Decree;

d) It meets the technical criteria as prescribed in Article 23c of this Decree;

dd) It has measures for information safety, security and management as prescribed in Article 23d of this Decree.”

b) The phrase “Điều kiện” (conditions) prescribed in Clause 10 shall be annulled.

c) Article 11 shall be added as follows:

“11. The licensing authority shall issue a decision on suspension of license to establish news website or license to establish social networking site within 3 months from the date of issue if the organization or enterprise:

- a) Violates Points d, dd, e Clause 1 Article 5 of this Decree; or
- b) Fails to meet all conditions prescribed in Clause 5 Article 23 of this Decree although the licensing authority required correcting them in writing.

Suspension procedures shall be the same as those in Article 23i of this Decree.”

d) Article 12 shall be added as follows:

“12. The licensing authority shall revoke the license to establish news website or the license to establish social networking site when the organization or enterprise violates Points a, b, c Clause 1 Article 5 of this Decree or have its license suspended as prescribed in Clause 11 of this Article.

Revocation procedures shall be the same as those in Article 23i of this Decree.”

dd) The phrase “Khoản 11” (Clause 11) shall be replaced with “Khoản 13” (Clause 13).

8. Article 23a shall be added as follows:

“Article 23a. Conditions for personnel of news websites and social networking sites

1. Conditions for personnel in charge of content management.

- a) There is at least 1 employee in charge of contents who is a Vietnamese or a foreigner obtaining a temporary residence card issued by competent authority remaining valid for at least 6 months in Vietnam from the date of submission;
- b) There is a division in charge of contents.

2. Conditions for technical personnel.

There is at least 1 qualified employee prescribed in Appendix II and Appendix III issued herewith in the technical division.”

9. Article 23a shall be added as follows:

“Article 23b. Conditions for domain names

1. An organization or enterprise other than news agency may not choose a string of domain name similar or identical to the name of a news agency.

2. The news website or social networking site must use at least 1 “.vn” domain name and store information in the DNS servers with IP address in Vietnam.

3. The news website and social networking site of the same organization or enterprise may not use the same domain name.

4. The “.vn” domain name must remaining valid for at least 6 months at the time of application for licensing and be compliant with regulations on management and use of Internet resources. In case of international domain names, certification of using legal domain names is required.”

10. Article 23c shall be added as follows:

“Article 23c. Conditions for technical aspects of news websites and social networking sites

1. Technical conditions.

Creating a technical equipment system that satisfies the following requirements:

a) With regard to news website: Contents of news shall be stored at least 90 days from the posting time; history of posted news shall be stored at least 2 years;

b) With regard to social networking sites: Details associated with accounts, log in time, log out time, IP address of users and history of posted information shall be stored at least 2 years;

c) Receive and take actions against warnings of users’ violations;

d) Detect, give warnings and prevent illegal access, types of network attack and conform to information safety standards;

dd) Prepare a backup plan to maintain the safe and continuous operation and repair breakdowns, except for force majeure events as per the law,

e) Have at least 1 DNS server in Vietnam, facilitating the prompt inspection, storing, and supply of information in the whole of website or social networking site owned by the organization or enterprise as prescribed in Points a, b, c, d and dd of this Clause.

2. Apart from technical conditions prescribed in Clause 1 of this Article, the technical system to establish social networking site must perform the following tasks:

a) Registering and storing personal information of users, including: Full name; date of birth; ID or passport number, date of issue, place of issue; phone number and email (if any). In case an Internet user aged less than 14 who has not obtained an ID or passport card, his/her legal guardian’s personal information shall be registered as prescribed in this Point deemed as the permission and the guardian shall take responsibility for such registration;

- b) Authorizing users via messages sent to their phone number or emails upon user registration or personal information change;
- c) Preventing or eliminating violations prescribed in Clause 1 Article 5 of this Decree upon requests of competent authorities;
- d) Establishing mechanism to give members warnings upon posting violating contents (filter).

11. Article 23d shall be added as follows:

“Article 23d. Conditions for content management of news websites and social networking sites

1. Conditions for content management of news websites and social networking sites

- a) A procedure for public information management is available; Determining scope of information resources to be taken, mechanism for management and check of information before and after posting;
- b) Specific mechanism is in place to in control news, ensuring that the news must be as accurate as the source information;
- c) Specific cooperation mechanism are in place to eliminate violations prescribed in Clause 1 Article 5 of this Decree within 3 hours since they are found or upon request of the Ministry of Information and Communications or licensing authority (in writing, via phone or email).

2. Conditions for information management of social networking sites:

- a) There is an agreement on social networking site provision and use in accordance with Point dd Clause 2 Article 23dd of this Decree which is posted in the homepage of the social networking site;
- b) It is certain that the user may not use the social network services until he/she agrees the agreement on social network terms and conditions of use online;
- c) Specific cooperation mechanism are in place to eliminate violations prescribed in Clause 1 Article 5 of this Decree within 3 hours since they are found or upon request of the Ministry of Information and Communications or licensing authority (in writing, via phone or email);
- d) Measures are place to protect private information and personal information of users;
- dd) It is certain that the right to make decisions of users when they allow their personal information to be provided for other organizations, enterprises, and individuals.”

12. Article 23dd shall be added as follows:

“Article 23dd. Application for issuance of license to establish news website or social networking site

1. Applications for license to establish news website or social networking site

An application for licensing shall be made in 1 set of documents, including:

a) An application form for license to establish news website using Form 23 in Appendix I issued herewith;

b) A valid copy of one of the following documents, including copy extracted from master register, certified true copy or copy enclosed with original: certificate of business registration, certificate of investment registration, establishment decision (or valid copy of certificate, equivalent license issued before the date of entry into force of the Law on Investment No. 67/2014/QH13 and Law on enterprises No. 68/2014/QH13); charter of operation (in case of unions or associations).

Its tasks and functions stated in establishment decision or charter of operation must be conformable with those specified in news website;

c) An operation scheme bearing signature and seal of the applicant’s head, at least containing: Purposes of information supply; contents, expected columns; official information sources, printed homepage and key columns; personnel, technical, information management and finance plans which guarantees the operation of news website in accordance with Points b, c, d and dd Clause 5 Article 23 of this Decree; place where DNS servers are located in Vietnam;

dd) A notification of acceptance of the information provider to justify that the source of information is legitimate.

2. Applications for license to establish social networking sites.

An application for licensing shall be made in 1 set of documents, including:

a) An application form for license to establish social networking sites using Form 25 in Appendix I issued herewith;

b) A valid copy of one of the following documents, including copy extracted from master register, certified true copy or copy enclosed with original: certificate of business registration, certificate of investment registration, establishment decision (or valid copy of certificate, equivalent license issued before the date of entry into force of the Law on Investment No. 67/2014/QH13 and Law on enterprises No. 68/2014/QH13); charter of operation (in case of unions or associations).

Its tasks and functions stated in establishment decision or charter of operation must be conformable with those specified in social networking site;

c) An operation scheme bearing signature and seal of the applicant's head, at least containing: Types of services; scope; field of information; personnel organizational plan, management of information and finance to ensure the operation of social networking site in accordance with Points b, c, d, dd Clause 5 Article 23 of this Decree; place where the DNS servers are located in Vietnam;

dd) Terms and conditions of use related to social networking site must at least contain: Details not to be shared or discussed on social networking sites; rights and responsibility of users; rights and responsibility of organization or enterprise establishing social networking sites; actions against members who constitute infringement of terms and conditions of use; warning given to users against risks likely involved in storage, discussion and sharing of online information; measures for settling complaints and dispute between social network members and the organization or enterprise establishing social networking sites or other entities; publicizing whether personal information of users are collected in the terms and conditions of use; policies on protection of personal and private information of users."

13. Article 23e shall be added as follows:

“Article 23e. Procedures for issuance of license to establish new websites

1. An application for licensing shall be submitted in person, by post or via Internet to the licensing authority as prescribed in Clause 8, Clause 9 Article 23 of this Decree.
2. Within 10 working days from the date on which a satisfactory application is received, the competent authority shall consider issuing a license to establish news website using Form No. 24 in Appendix I issued herewith. If the application is refused, the competent authority must provide explanation in writing.
3. Within 5 working days from the date on which a satisfactory application submitted by a local news agency is received, the Department of Information and Communications of province shall verify and forward it enclosed with a request for licensing to Department of Radio and Television and electronic information affiliated to the Ministry of Information and Communications to consider licensing as per the law. If the application is refused, the Department of Information and Communications shall provide explanation in writing.”

14. Article 23g shall be added as follows:

“Article 23g. Procedures for issuance of license to establish social networking site

1. An application for licensing shall be submitted in person, by post or via Internet to Department of Radio and Television and electronic information affiliated to the Ministry of Information and Communications.
2. Within 30 working days from the date on which a satisfactory application is received, the Ministry of Information and Communications shall consider issuing a license using Form No. 26

in Appendix I issued herewith. If the is refused, the Ministry of Information and Communications must provide explanation in writing.”

15. Article 23h shall be added as follows:

“Article 23h. Modifications to, renewal and replacement of license to establish news website or social networking site

1. Licensing authorities prescribed in Clauses 7, 8, 9 Article 23 of this Decree shall have competence to decide the modifications to or replacement, renewal or revocation of the license.

2. Procedures for amendments

a) The holder of a license to establish news website or social networking site must follow the procedures for modifications to the license upon the changes to: its name; server hosting locations in Vietnam; personnel in charge; contents, scope of information supply (domain name if the information is provided on website, or application distribution system if the information is provided in mobile devices) applied to news website; types of services, scope of supply (domain name if the information is provided on website, or application distribution system if the information is provided in mobile devices) applied to social networking sites;

b) The applicant shall submit an application for amendments specifying details, reasons for amendments and relevant documents to the licensing authority;

c) Within 10 working days from the date on which a satisfactory application is received, the licensing authority shall verify and issue an amendment. If the application is refused, the licensing authority must provide explanation in writing.

3. Renewal of license

a) At least 30 days before the license expires, the applicant seeking renewal must send an application for renewal which specifies the renewal period;

b) Within 10 working days from the date on which a satisfactory application is received, the licensing authority shall verify and renew the license. If the application is refused, the licensing authority must provide explanation in writing;

c) A license may be renewed up to 2 times and not exceeding 2-year period each.

4. Replacement of license

a) If the license is lost or damaged and cannot be used, the holder of license shall submit an application for replacement of license to the licensing authority. The application must specify number of license, date of issue and reasons for replacement. If the license is damaged, the application must be enclosed with the damaged license;

b) Within 10 working days from the receipt of application, the licensing authority shall consider replacing the license. If the application is refused, the licensing authority must provide explanation in writing.

5. Upon any change to owner or address of headquarters, the licensed news website or social networking site must give a notice to the licensing authority within 10 working days from the date of change. Details of notice: Name of license holder; number of license to establish news website or license to establish social networking site; changed contents.

Upon receipt of the notice, the receiving authority shall send an acknowledgement to the license holder within 7 working days from the date of receipt.”

16. Article 23i shall be added as follows:

“Article 23i. Procedures for suspension or revocation of license to establish news website or license to establish social networking site

1. The licensing authority shall issue a decision on revocation of the license to establish news website or the license to establish social networking site when the organization or enterprise violates Point a Clause 11 Article 23 of this Decree.

2. The licensing authority shall request the license holder in writing to eliminate the violations as prescribed in Point b Clause 11 Article 23 of this Decree. After 10 working days from the expiry date specified in the request, if the license holder fails to eliminate the violations, the licensing authority shall issue a decision on suspension of license.

3. The licensing authority shall issue a decision on revocation of license when the license holder violates Clause 12 Article 23 of this Decree.”.

17. Article 31a shall be added as follows:

“Article 31a. Video game age rating

1. Video games are rated according to age groups as follows:

a) Video games suited for adults (aged 18 and up, marked as 18+) are games that have armed combat; but have no pornography acts, sound or image;

b) Video games suited for teenagers (aged 12 and up, marked as 12+) are armed combat games without close and graphic weapon image; with restricted/mitigated weapon impact sound; and without acts, image, sound of exposed-skin characters, or close-up attention to sensitive parts of human body;

c) Video games suited for everyone (marked as 00+) are animated cartoon games without armed combat; ghostly, horrible and violent image, sound; acts, image and sound of exposed-skin characters; and close-up attention to the sensitive parts of the human body.

2. Responsibilities of a video game service vendor in video game age rating:

- a) Self-rating video games by ages of players as prescribed in Clause 1 of this Article;
- b) Representing the video game age rating in the application for authorizing script of video game G1 or in the notification of providing video games G2, G3 and G4. The video game age rating is one of criteria for assessing video games G1;
- c) Displaying the video game age rating in the top-left corner of advertising window and device screen while the players use video games.

3. If there are grounds that the video game age rating associated with video games G2, G3, G4 is not conformable with Clause 1 of this Article, Department of Radio and Television and electronic information affiliated to the Ministry of Information and Communications shall request the game provider to modify the rating in writing within 10 working days.

If the game provider fails to modify the rating as required, Department of Radio and Television and electronic information affiliated to Ministry of Information and Communications shall request the game provider in writing to stop releasing such game and take actions to protect players' interests. If the game provider still fails to stop releasing such game after 10 working days from the date on which the request is made, Department of Radio and Television and electronic information affiliated to Ministry of Information and Communications shall revoke its document certifying the registration of video games”.

18. Article 32 shall be amended as follows:

a) Clauses 1, 2, 3 shall be amended and Clause 3a shall be added as follows:

“1. The License to provide video games shall be issued when the conditions below are satisfied:

- a) The enterprise is established in accordance with Vietnam's law and its business line associated with online gaming services has been posted in the national business registration portal;
- b) Domain names are registered to provide services;
- c) Its financial, technical resources and qualified personnel are sufficient to serve the operation as prescribed in Article 32a, Article 32 b of this Decree;
- d) Measures are taken for ensuring information safety and information security.

2. The validity period of the License to provide video games G1 depends on the request of the enterprise and shall not exceed 10 years.

3. The Ministry of Information and Communications shall suspend the license to provide video games G1 online for 3 months when the game provider commits one of the following violations:

a) Violates Points d, dd, e Clause 1 Article 5 of this Decree; or

b) Fails to meet all conditions prescribed in Article 32a, Article 32b of this Decree although the licensing authority required it to correct them in writing.

Suspension procedures shall be the same as those in Article 32k of this Decree.

3a. The licensing authority shall revoke the license to provide game services G1 online when the organization or enterprise violates Points a, b, c Clause 1 Article 5 of this Decree or have its license suspended as prescribed in Clause 3 of this Article.

Revocation procedures shall be the same as those in Article 32k of this Decree.”

b) The phrase “Điều kiện” (conditions) prescribed in Clause 4 shall be annulled.

19. Article 32a shall be added as follows:

“Article 32a. Conditions for personnel in charge of video games G1

1. It has a headquarters with clear address and telephone number.

2. It has staff in charge of administration of video games in conformity with scope of operation, provided that 1 staff member administers 2 servers.”

20. Article 32b shall be added as follows:

“Article 32b. Conditions for technical aspects related to video games G1

1. The system of video game equipment or devices must meet the following conditions:

a) Capable of storing and updating complete information of players, including: Full name; date of birth; permanent residence address; ID or passport number, date of issue, place of issue; phone number and email (if any). In case a player aged less than 14 who has not obtained an ID or passport card, his/her legal guardian’s personal information shall be registered as prescribed in this Point deemed as the permission and the guardian shall take responsibility for such registration;

b) The payment system for those video games must be located in Vietnam and connected with the enterprises supporting payments in Vietnam, ensuring accurate and sufficient update and storage, and enabling players to search details of their payment accounts;

c) Manage playing duration from 0 am to 24h pm and ensure that total playing duration of G1 video games * provided for a player aged under 18 will not exceed 180 minutes within 24 hours per day;

d) Continuously displaying the video game age rating in advertisements or introduction of all games; giving warning “Chơi quá 180 phút một ngày sẽ ảnh hưởng xấu đến sức khỏe” (Over 180 minute gaming a day will badly harm your health) at a noticeable position in the forum of game and on the device screen throughout the play.

2. Plans are in place to assure service quality and players’ interests.

3. Technical measures and practices are in place to manage the game forum contents (if any) in accordance with Clause 2 Article 23d of this Decree.

4. Equipment and connection backup plan and database backup plan are in place to maintain the safety when any breakdown happens to the system.

5. A plan is in place to ensure safety, information security and personal information confidentiality of players.”

21. Article 32c shall be added as follows:

“Article 32c. Conditions for authorizing script of video games G1

1. A game provider shall be issued with an authorization to game script when the conditions below are satisfied:

a) The license to provide video games remains valid for at least 1 year;

b) The game script does not violate Clause 1 Article 5 of this Decree; contains no images and sound adding detail to murder, torture, inciting violence, lust, pornography, contrary to the ethical and cultural traditions and fine customs of the nation, distorting and destroying historical traditions, violating sovereignty and integrity of territory, abetting suicide, using drug or alcohol, smoking, gambling, terrorism, abuse, trafficking of women and children, and other harmful or prohibited acts;

c) The video game age rating is suitable for the game script as prescribed in Clause 1, Clause 2 Article 31a of this Decree;

2. Measures for managing players' accounts are in place that meets the following requirements:

a) Directly connecting and synchronizing the players’ information management system;

b) Directly connecting and synchronizing the general game service payment system of the game provider;

c) Keep the playing history updated continuously and accurately, including: Account’s name, playing time, information on ownership to virtual items, virtual currencies, and reward points of player.”

22. Article 32d shall be added as follows:

“Article 32d. Application for license to provide video games G1

An application for license to provide video games G1 includes:

1. a) An application form for licensing using Form 15 in Appendix I issued herewith.
2. A valid copy, including copy extracted from master register or certified true copy or a copy enclosed with original of certificate of business registration (or a valid copy of other valid certificate, equivalent license issued before the date of entry into force of the Law on Investment No. 67/2014/QH13 and the Law on Enterprise No. 68/2014/QH13).
3. In case of international domain names, certification of using legal domain names is required.
4. A scheme for providing video games G1 at least containing:
 - a) A plan for rendering services and financial situation, personnel and technical aspects that meet the conditions prescribed in Point b, Point c, Point d Article 32 of this Decree;
 - b) Equipment system general layout, equipment system locations;
 - c) Equipment system details, including main part and backup part: Name, functions, expected configuration of each equipment;
 - d) Details about methods and scope of service supply; plans for connection to Internet and telecommunications network (enterprise’s name, domain name, IP address, connection channel capacity, gaming distribution channel);
 - dd) Details about gaming payment system and plan for connection to payment service providers in Vietnam (name, connection methods, rights and responsibilities of parties);
 - e) Plan for use of Internet resources;
 - g) Plan for assurance of service quality and players’ interests;
 - h) Details about system (hardware, software) in surveillance of service system; plan for data backup and equipment and connection-related backup; the process of operating, providing and using services; plan for protecting confidentiality and personal information of players;
 - i) Details about system (hardware, software) that protect information security and personal information of players; cooperation between specialized agencies in ensuring information safety and security.”

23. Article 32d shall be added as follows:

“Article 32dd. Procedure for issuing license to provide video games G1

1. The applicant shall submit an application, consisting of original documents, for a license to provide video games G1 to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:

- a) in person;
- b) by post; or
- c) via Internet.

2. Within 30 working days from the date on which a satisfactory application is received, the Ministry of Information and Communications shall consider issuing a license to provide video games G1 using Form No. 16 in Appendix I issued herewith. If the application is refused, the Ministry of Information and Communications must provide explanation in writing.”

24. Article 32e shall be added as follows:

“Article 32e. Modifications to, renewal or replacement of licenses to provide video games G1

1. The license holder shall apply for modifications to a license to provide video games G1 within 10 days if any change below takes place:

- a) Change to license holder’s name;
- b) Change to name of legal representative of license holder.

The license holder may both apply for modifications to the license and to the authorization to script of video games G1.

2. The license holder shall submit an application, consisting of original documents, for modifications to a license to provide video games G1 to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:

- a) in person;
- b) by post; or
- c) via Internet.

3. An application for modifications to the license to provide video games G1 includes:

- a) An application form for modifications to the license to provide video games G1, specifying matters to be modified and reasons thereof;

c) Documents proving reasons for modifications.

4. Within 10 working days from the satisfactory application is received, the Ministry of Information and Communications shall consider issuing a modified license. If the application is refused, the Ministry of Information and Communications must provide explanation in writing. The validity period of the modified license is as long as the remaining validity period of the former license.

5. Within 5 working days, before changing the address of headquarters, transaction office, server hosting locations, the license holder is not required to modify the license to provide video games G1 but is required to send a notice to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications and the Department of Information and Communications of province where the license holder is headquartered. Details of notice: Name of license holder; number of license to provide video games G1; modifications.

Upon receipt of the notice, the receiving authority shall send an acknowledgement to the license holder within 7 working days from the date of receipt.

6. In such a case that a holder of license to provide video games G1 changes its organizational structure due to division, consolidation, acquisition or conversion under law on enterprises; due to change in capital holding resulting in replacement of capital contributors (or shareholders) holding at least 30% of charter capital, it must send a notice to Department of Radio and Television and Electronic Information and Television and electronic information affiliated to the Ministry of Information and Communications and the Department of Information and Communications of province where the license holder is headquartered within 10 working days from the date on which the decision on modification is made. Details of notice: Name of license holder; number of license to provide video games G1; modifications.

Upon receipt of the notice, the receiving authority shall send an acknowledgement to the license holder within 7 working days from the date of receipt.

7. Replacement of license to provide video games G1 in a case where it is lost or damaged and is no longer valid.

a) If a license to provide video games G1 is lost or damaged and no long valid, the license holder shall send an application for replacement of license to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications: In person, by post or via Internet;

b) The application for replacement of license to provide video games G1 includes: Name, address of license holder; number, place of issue, date of issue; number, date of issue, effective date of former license; reasons for replacement; declaration of license holder on information provided in the application;

c) Within 10 working days from the satisfactory application is received, the Ministry of Information and Communications shall consider replacing the license. If the application is refused, the Ministry of Information and Communications must provide explanation in writing.

B. Renewal of license

a) Before a license cease to be effective, in such a case that the license holder still wishes to continue in operation but it cannot apply for replacement of license, it must apply for renewal. A license may be renewed only 1 time for up to 1-year period;

b) The license holder shall send an application form for renewal of license and a copy of license to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications: In person, by post or via Internet;

c) Details of the application for renewal: Name, address of license holder; number, place of issue, date of issue; number, date of issue, effective date of former license; reasons for renewal; declaration of license holder on information provided in the application;

d) Within 10 working days from the satisfactory application is received, the Ministry of Information and Communications shall consider renewing the license. If the application is refused, the Ministry of Information and Communications must provide explanation in writing.”

25. Article 32g shall be added as follows:

“Article 32g. Application for authorization to scripts of video games G1

An application for authorizing scripts of a video game G1 includes:

1. An application form using the form No. 17 in Appendix I issued herewith, enclosed with a commitment of authorization holder to fully perform rights and obligations as prescribed in Article 34 of this Decree.

2. Copyright certificate and agreement on authorizing release of video games in Vietnam (valid copies thereof, including copies extracted from master register or certified true copies. If these documents are made in foreign languages, they shall be translated to Vietnamese and certified as true copies of the originals).

3. Details of scripts of video games:

a) Name and origin of video games;

b) Script details; system of characters, duties, maps (diagrams); virtual items, virtual, reward points; communications, combat between characters; payment, version;

c) Video game age rating methods and results.

4. Technical proposals:

a) Specific address of place where the equipment system is located and name of server hosting provider (in case of server hosting);

b) Details about player information system in accordance with Clause 2 Article 32c of this Decree.

5. Devices recording images, activities, and typical sound in the game: Photos of some types of character, some pictures of items, equipment for the character; images and activities of characters on duty, particularly in 5 highest levels (if any); combat actions between characters.”

26. Article 32h shall be added as follows:

“Article 32h. Procedures for authorizing scripts of video games G1

1. The enterprise shall submit an application, consisting of original documents, for authorizing scripts of video games G1 to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:

a) in person;

b) by post; or

c) via Internet.

2. Within 25 days from the date on which the satisfactory application is received, the Ministry of Information and Communications shall verify and consider authorizing the script of video games G1 using the Form No. 18 in Appendix I issued herewith. If the application is refused, the Ministry of Information and Communications must provide explanation in writing.

3. In case of a video game which is classified as G1, G2, G3 and G4 and the script of which has been authorized, the notice procedures shall be exempt as prescribed in Article 32d of this Decree.”

27. Article 32i shall be added as follows:

“Article 32i. Modifications to or replacement of authorization to of video games G1

1. The authorization holder must apply for modifications to the authorization to scripts of video games G1 in any of the following cases:

a) Change to name of video game;

b) Version update or upgrade along with modifications to script of game as compared with the former version.

2. The authorization holder shall submit an application, consisting of original documents, for modifications to scripts of video games G1 to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:

- a) in person;
- b) by post; or
- c) via Internet.

3. An application for modifications to authorization to contents and script of video games G1 includes:

- a) An application form for modifications to authorization to scripts of video games G1, specifying matters to be modified and reasons thereof;
- b) Details about matters to be modified and relevant documentary evidence.

4. Within 10 working days from the satisfactory application is received, the Ministry of Information and Communications shall consider issuing a modified authorization. If the application is refused, the Ministry of Information and Communications must provide explanation in writing.

5. Within 5 working days, before the method or scope of supply related to video games G1 is changed (domain name in case of games provided on websites, or distribution channel in case of games provided in mobile devices), the authorization holder is not required to apply for modifications to the authorization but is required to send a notice to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications and the Department of Information and Communications in the province where the authorization holder is headquartered. Details of notice: Name of authorization holder; number of license to provide video games G1; modifications.

Upon receipt of the notice, the receiving authority shall send an acknowledgement to the license holder within 7 working days from the date of receipt.

6. Replacement of authorization

- a) If an authorization to scripts of video games G1 is lost or damaged and is no longer valid, the authorization holder shall send an application for replacement of authorization to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications, specifying number, date of issue of the authorization and reasons for replacement;
- b) Within 10 working days from the satisfactory application is received, the Ministry of Information and Communications shall consider replacing the license. If the application is refused, the Ministry of Information and Communications must provide explanation in writing.

28. Article 32k shall be added as follows:

“Article 32k. Procedure for suspension or revocation of license to provide video games G1

1. The Ministry of Information and Communications shall make a decision on suspension of a license to provide game services G1 online when the license holder violates Points a Clause 3 Article 32 of this Decree.

2. The Ministry of Information and Communications shall request the license holder in writing to eliminate the violations as prescribed in Point b Clause 3 Article 32 of this Decree. After 10 working days from the expiry date specified in the notice, if the license holder fails to eliminate the violations, the Ministry of Information and Communications shall issue a decision on suspension of license.

3. The Ministry of Information and Communications shall issue a decision on revocation of license when the license holder violates Clause 3a Article 32 of this Decree.”

29. Article 33 shall be amended as follows:

“Article 33. Conditions for registering video games G2, G3, G4

1. The enterprise is established in accordance with Vietnam’s law and its business line associated with online gaming services has been posted in the national business registration portal.

2. Domain names are registered to provide services if game services are provided on the Internet.

3. Conditions for personnel in charge of video games:

a) It has a headquarters with clear address and telephone number;

b) The personnel in charge of video games are suitable for scope and type of services.

4. The financial and technical capacity, organizational structure, and personnel are suitable for provision of game services.

5. Conditions for technical aspects related to video games G2, G3, G4:

b) The payment system for those video games (if any) must be located in Vietnam and connected with the enterprises supporting payments in Vietnam, ensuring accurate and sufficient update and storage, and enabling players to search details of their payment accounts;

b) Plans are in place to assure service quality and players’ interests;

c) Measures are taken for ensuring information safety and information security.”

30. Article 33a shall be added as follows:

“Article 33a. Application for certificate of eligibility to provide video games G1

Application for certificate of eligibility to provide video games G2, G3, G4 includes:

1. An application form for certificate of eligibility to provide video games using the form No. 19 in Appendix I issued herewith.
2. A valid copy, including copy extracted from master register or certified true copy or a copy enclosed with original of certificate of business registration (or a valid copy of other valid certificate, equivalent license issued before the date of entry into force of the Law on Investment No. 67/2014/QH13 and the Law on Enterprise No. 68/2014/QH13).
3. In case of international domain names, certification of using legal domain names is required.
4. A scheme for providing video games in accordance with Clause 2, Clause 3, Clause 4, Clause 5 Article 33 of this Decree, containing:
 - a) A service, personnel and finance plan suitable for scope of operation;
 - b) Equipment system general layout, equipment system locations;
 - c) Equipment system details, including main part and backup part: Name, functions, configuration;
 - d) Details about methods and scope of supply: Internet (EP address, domain name), mobile telecommunications network (intended distribution channel);
 - dd) Terms of payment, payment cards and payment service provider (name of provider and terms of payment);
 - e) Measures are in place to assure service quality and players’ interests.”

31. Article 33b shall be added as follows:

“Article 33b. Procedures for issuance of certificate of eligibility to provide video games G2, G3, G4

1. The applicant shall submit an application, consisting of original documents, for a certificate of eligibility to provide video games G2, G3, G4 to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:
 - a) in person;
 - b) by post; or
 - c) via Internet.

2. Within 20 working days from the date on which a satisfactory application is received, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall consider issuing a certificate of eligibility to provide video games using Form No. 20 in Appendix I issued herewith. If the application is refused, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications must provide explanation in writing.”

32. Article 33c shall be added as follows:

“Article 33c. Modifications to and replacement of certificate of eligibility to provide video games G2, G3, G4

1. The certificate holder must apply for modifications to the certificate of eligibility to provide video games G2, G3, G4 in any of the following cases:

- a) Change to certificate holder’s name;
- b) Change to name of legal representative of certificate holder.

2. The certificate holder shall submit an application, consisting of original documents, for modifications to the certificate of eligibility to provide video games G2, G3, G4 to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:

- a) in person;
- b) by post; or
- c) via Internet.

3. The application for modifications to certificate of eligibility to provide video games G2, G3, G4 includes:

- a) An application form for modifications to certificate of eligibility to provide video games G2, G3, G4, specifying matters to be modified and reasons thereof;
- b) Documents proving reasons for modifications.

4. Within 10 working days from the satisfactory application is received, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall consider issuing a modified certificate. If the application is refused, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications must provide explanation in writing.

5. Within 5 working days, before changing method or scope of supply related to video games G2, G3, G4 (domain name in case of games provided on the Internet, or distribution channel in

case of games provided on mobile telecommunication network) or changing the headquarters, the certificate holder is not required to apply for modifications to the certificate of eligibility to provide video games G2, G3, G4 but is required to send a notice to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications and the Department of Information and Communications in the province where the enterprise is headquartered. Details of notice: Name of certificate holder; number of certificate of eligibility to provide video games G2, G3, G4; modifications.

Upon receipt of the notice, the receiving authority shall send an acknowledgement to the certificate holder within 7 working days from the date of receipt.

6. In such a case that a holder of certificate of eligibility to provide video games G2, G3, G4 changes its organizational structure due to division, consolidation, acquisition or conversion under law on enterprises; due to change in capital holding resulting in replacement of capital contributors (or shareholders) holding at least 30% of charter capital, it must send a notice to Department of Radio and Television and Electronic Information and Television and electronic information affiliated to the Ministry of Information and Communications and the Department of Information and Communications of province where the license holder is headquartered within 5 working days from the date on which the decision on modification is made. Details of notice: Name of certificate holder; number of certificate of eligibility to provide video games G2, G3, G4; modifications.

Upon receipt of the notice, the receiving authority shall send an acknowledgement to the certificate holder within 7 working days from the date of receipt.

7. Replacement of certificate of eligibility to provide video games G2, G3, G4 in a case where it is lost or damaged and is no longer valid.

a) If a certificate of eligibility to provide video games G2, G3, G4 is lost or damaged and is no longer valid, the certificate holder shall send an application for certificate replacement to Department of Radio and Television and Electronic Information and Television and electronic information affiliated to the Ministry of Information and Communications, specifying name, address of certificate holder; number, place of issue, date of issue of business registration certificate; number, date of issue of the certificate; reasons for replacement; declaration of certificate holder on information provided in the application;

b) Within 10 working days from the satisfactory application is received, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall consider replacing the certificate. If the application is refused, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications must provide explanation in writing.”

33. Article 33d shall be added as follows:

“Article 33d. Suspension and revocation of certificate of eligibility to provide video games G2, G3, G4

1. Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall suspend certificate of eligibility to provide video games G2, G3, G4 for 3 months when the certificate holder commits one of the following violations:

- a) Violates Points d, dd, e Clause 1 Article 5 of this Decree; or
- b) Fails to meet all conditions prescribed in Clause 3, Clause 4, and Clause 5 Article 33 of this Decree although the Ministry of Information and Communications required it to correct them in writing.

2. Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall revoke the certificate of eligibility to provide video games G2, G3, G4 when the certificate holder violates Points a, b, c Clause 1 Article 5 of this Decree or have its certificate suspended 2 consecutive times as prescribed in Clause 1 of this Article.

3. Procedures for suspension and revocation of certificate of eligibility to provide video games G2, G3, G4

a) Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall request the certificate holder in writing to eliminate the violations as prescribed in Clause 1 Article 33d of this Decree. After 10 working days from the expiry date specified in the notice, if the certificate holder fails to eliminate the violations, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall issue a decision on suspension of certificate.

b) Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall issue a decision on revocation of certificate when the certificate holder violates Clause 2 Article 33d of this Decree.”

34. Article 33dd shall be added as follows:

“Article 33dd. Notice of providing video games G2, G3, G4

1. At least 30 working days before video games G2, G3, G4 are officially provided, the game provider must send a notice using Form No. 21 in Appendix I issued herewith to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications:

- a) in person;
- b) by post; or
- c) via Internet.

2. Within 10 working days from the date on which a satisfactory notice is received, Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications shall consider issuing an acknowledgement of notice that online gaming services are provided using Form No. 22 in Appendix I issued herewith. After the aforesaid period, if Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications gives no opinions, the game provider may provide online games according to the expected date set forth in the notice.

3. The game provider must send further notice to Department of Radio and Television and Electronic Information affiliated to the Ministry of Information and Communications if any change below arises:

a) Name of game;

b) Classification of video games by ages;

c) Type of video games (G2, G3, G4);

d) Details about methods and scope of supply: Domain name, IP address (in case of games provided on websites), or distribution channel (in case of games provided in mobile devices).”

35. Article 35 shall be amended as follows:

“1. Organizations and individuals may only run public gaming centers after obtaining the certificate of eligibility to run public gaming centers.

2. The certificate of eligibility to run public gaming centers shall be issued after the conditions below are satisfied:

a) The public gaming center is registered;

b) The public gaming center is at least 200m far away from primary schools, lower secondary schools, upper secondary schools, secondary schools, continuing education centers, upper-secondary ethnic boarding schools, and upper-secondary ethnic day schools, based on the shortest road length from the public gaming center to the main entrance or side entrance to these schools;

c) A sign saying “public gaming center” is put up, which specifies the name, address, phone number, and business registration number. If the public gaming center is also an Internet agency, the sign must also say “Internet agency”. If the public gaming center is also a public Internet access point, the sign must also say “public Internet access point”;

The total area of computer rooms of the public gaming center is at least 50 m² for urban areas in special class, class I, class II, class III, at least 40 m² for urban areas in class IV, class V, and at least 30 m² for other areas;

dd) Light and brightness in the computer rooms are balanced;

e) The procedure and equipment for fire prevention and fighting are sufficient, according to regulations of the Ministry of Public Security;

g) The fee of issuance of the Certificate of eligibility to run public gaming centers is paid.

3. The issuing authorities are Departments of Information and Communications or the People's Committees of districts authorized by People's Committees of provinces and central-affiliated cities (hereinafter referred to as provinces) in terms of issuance of, modifications to, renewal, replacement, and revocation of certificates of eligibility to run public gaming centers.

4. Each People's Committees of province shall

a) Provide specific guidance on types of urban areas in the province to apply conditions pertaining to areas of computer room prescribed in Point d Clause 2 Article 35 of this Decree;

b) Verify applications, undertake inspection visit to facilities and consider issuing, modifying, renewing, replacing or revoking the certificates of eligibility to run public gaming centers in the province,

c) Authorize the Department of Information and Communications or the People's Committees of districts to act as issuing authorities;

d) Direct the Department of Information and Communications to publish a list of public gaming centers issued with certificates of eligibility to run public gaming centers or have their certificates revoked in the province, a list of video games G1 whose scripts are authorized and list of video games G1 whose authorizations to scripts of video games G1 are revoked; keep public gaming center owners informed with the list of video games G1 whose scripts are authorized and list of video games G1 whose authorizations to scripts of video games G1 are revoked; take charge and cooperate with People's Committees of districts in raising public awareness of law, inspect and take actions against violations committed by public Internet access points and public gaming centers in the province. Before every December 15, a report using the form No. 14 in Appendix I issued herewith shall be sent to the Ministry of Information and Communications.

5. The Ministry of Finance shall cooperate with the Ministry of Information and Communications in imposing the fee for the issuance of the Certificate of eligibility to run public gaming centers.”

36. Article 35a shall be added as follows:

“Article 35a. Certificate of eligibility to run public gaming centers

1. A certificate of eligibility to run public gaming centers is valid for 3 years.

2. A certificate of eligibility to run public gaming centers shall at least contain:

- a) Name and address of public gaming center: Housing number, village/neighborhood, commune/ward/commune-level town, district/suburban district/district-level town, province/central-affiliated city;
- b) Number of the registered public gaming center;
- c) Full name, ID number, telephone, email address of public gaming center owner if the owner is an individual; full name, number of ID card/citizen identification card/passport, telephone, email address of the representative of the organization or enterprise running the public gaming center if the owner is an organization or enterprise;
- d) Validity period of certificate;
- dd) Total areas of computer rooms;
- e) Rights and obligations of owners of public gaming centers.

3. The template of certificate of eligibility to run public gaming center is provided for in the form No. 03 or 04 in Appendix I issued herewith.”

37. Article 35b shall be added as follows:

“Article 35b. Procedures for issuance of certificate of eligibility to run public gaming centers

1. Application for issuance of certificate of eligibility to run public gaming centers

An entity seeking for a certificate of eligibility to run public gaming center shall, in person or by post, send an application to the issuing authority, including:

- a) An application form for certificate using Form 05 or 06 in Appendix I issued herewith;
- b) Certified true copy(ies) of the public gaming center registration certificate;
- c) Certified true copy(ies) of ID card/citizen identification card/passport of public gaming center owner if the owner is an individual; certified true copy(ies) of ID card/citizen identification card/passport of representative of the organization or enterprise running the public gaming center if the owner is an organization or enterprise.

2. Time limit and application processing.

Within 10 working days from the date on which the application prescribed in Clause 2 of this Article is received, the issuing authority shall verify application, undertake an inspection visit to

the facility and consider issuing a certificate of eligibility to run public gaming center. If the application is refused, the issuing authority must provide explanation in writing.

3. If the holder of a certificate of eligibility to run public gaming centers wishes to keep running the business, it shall apply for another certificate at least 20 days prior to the expiry date of the current certificate as prescribed in Clause 2 and Clause 3 of this Article.”

38. Article 35c shall be added as follows:

“Article 35c. Procedures for modifications to certificate of eligibility to run public gaming centers

1. Within validity period of the certificate of eligibility to run public gaming centers, the owner must apply for modifications to the certificate if any changes below arise:

- a) The change to name of the public gaming center;
- b) The change to the owner of public gaming center if the owner is an individual or replacement of the person in charge of the public gaming center if the owner is an organization or enterprise.

2. Application for modifications to certificate of eligibility to run public gaming centers

An application for modifications to a certificate of eligibility to run public gaming center shall be sent, in person or by post, to the issuing authority, including:

- a) An application form for modifications to certificate using Form 07 or 08 in Appendix I issued herewith;
- b) Documents related to changes (if any).

3. Time limit and application processing

Within 5 working days, the issuing authority shall verify and consider issuing a modified certificate of eligibility to run public gaming centers. If the application is refused, the issuing authority must provide explanation in writing.

4. The modified certificate of eligibility to run public gaming centers shall be valid for the remaining validity period of the former certificate.”

39. Article 35d shall be added as follows:

“Article 35d. Renewal and replacement of certificate of eligibility to run public gaming centers

1. A holder of certificate of eligibility to run public gaming centers who wishes to keep running the business without applying for another certificate upon its expiry date as prescribed in Article

35b of this Decree shall, at least 20 days prior to the expiry date, send an application for renewal of certificate in person or by post, inclusive of:

- a) An application form for renewal using Form 09 or 10 in Appendix I issued herewith;
- b) Certified true copy(ies) of ID card/citizen identification card/passport if the owner is an individual.

2. Within 5 working days, the issuing authority shall verify and consider issuing a decision on renewal of the certificate of eligibility to run public gaming center using form No. 11 in Appendix I issued herewith. If the application is refused, the issuing authority must provide explanation in writing.

3. A certificate of eligibility to run public gaming centers may be renewed only 1 time for up to 6-month period.

4. If a certificate of eligibility to run public gaming centers is lost, burnt, or damaged in another form, the owner of public gaming center shall, in person or by post, send an application for replacement of certificate using Form No. 12 or 13 in Appendix I issued herewith to the issuing authority. Within 5 working days, the issuing authority shall consider replacing the certificate of eligibility to run public gaming centers.

If the application is refused, the issuing authority must provide explanation in writing.”

40. Article 35dd shall be added as follows:

“Article 35dd. Revocation of certificate of eligibility to run public gaming centers

1. The owner shall have a certificate of eligibility to run public gaming centers revoked in any of the following cases:

- a) Committing fraud or forging application to enable the certificate of eligibility to run public gaming centers to be issued;

- b) Varying total areas of computer rooms but failing to meeting the conditions prescribed in Point d Clause 2 Article 35 of this Decree;

- c) After 6 months from the date on which the issuing authority notifies that the public gaming center fails to meet the distance requirements prescribed in Point b Clause 2 Article 35 of this Decree due to the fact that a school continuing education center prescribed in Point b Clause 2 Article 35 of this Decree has recently commenced operations or due to other objective reasons.

2. An owner who had a certificate of eligibility to run public gaming centers revoked as prescribed in Point a Clause 1 of this Article is entitled to, after 1 year from the date on which the certificate was revoked, apply for a new certificate if it is now eligible for the certificate as prescribed. An owner who had a certificate of eligibility to run public gaming centers revoked as

prescribed in Point b and Point c Clause 1 of this Article is entitled to apply for a new certificate, as soon as possible when it is eligible for the certificate as prescribed.”

41. Clause 3 Article 36 shall be amended as follows:

“3. Posting the regulations on the use of game services at noticeable positions, including the prohibitions in Article 5 of this Decree, rights and obligations of Internet users and players in Article 10 and 37 of this Decree.”

Article 2. Entry in force

1. This Decree comes into force as of April 15, 2018.

2. From the date of entry into force of this Decree, the following regulations shall cease to be effective, including:

a) Circular No. 23/2013/TT-BTTTT dated December 24, 2013 of Minister of Information technology and communications on management of public Internet access points and public gaming centers;

b) Clause 6, Clause 13 of Article 2; Clause 2, Clause 3 of Article 7; Article 9; Article 21 of Circular No. 24/2015/TT-BTTTT dated August 18, 2015 of the Minister of Information and Communications on management and use of Internet resources;

c) Clause 2, Clause 5, Clause 6 of Article 2; Article 3; Article 4; Article 5; Article 6; Point a, b Clause 1, Clause 2 and Clause 3 of Article 7; Article 8; Clause 1, 2, 5, 6 Article 10 of Circular No. 09/2014/TT-BTTTT dated August 19, 2014 of the Minister of Information and Communications on guidelines for management, provision and use of information in website and social networking sites;

d) Clause 1 of Article 3; Article 4; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 20; Article 21; Article 22; Article 23; Article 24; Article 25; Article 26; Clauses 1, 2, 3, 4, 5, 6, 7, 8 Article 27 of Circular No. 09/2014/TT-BTTTT dated December 29, 2014 of the Minister of Information and Communications on guidelines for management, provision and use of online gaming services.

3. The ministers, heads of ministerial agencies, heads of Governmental agencies, heads of other central agencies, the Presidents of People’s Committees of central-affiliated cities and provinces, relevant organizations and individuals shall implement this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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