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## DECREE

PROVIDING GUIDELINES FOR CERTAIN ARTICLES OF THE LAW ON TECHNOLOGY TRANSFER

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

*Pursuant to the Law on Science and Technology dated June 18, 2013;*

*Pursuant to the Law on Technology Transfer dated June 19, 2017;*

*Pursuant to the Law on Intellectual Property dated November 29, 2005 and the Law on Amendments to the Law on Intellectual Property dated June 19, 2009;*

*Pursuant to the Law on Management and Use of Public Property dated June 21, 2017;*

*At the request of the Minister of Science and Technology;*

*The Government promulgates the Decree on providing guidelines for certain articles of the Law on Technology Transfer.*

### Chapter I

#### GENERAL PROVISIONS

##### Article 1. Scope

This Decree provides guidelines for Articles 9, 10, 11, 27, 31, clause 3, Article 32, Article 35, 36, 40, 42, 43, clause 3, Article 48 of the Law on Technology Transfer relating to the List of technologies and the management of technology transfer; technology valuation, appraisal and assessment; supporting and encouraging technology transfer and developing the market of science and technology transfer.

The forms and specific methods of technology transfer in agriculture which are specified in clause 2, 3, Article 52 of the Law on Technology Transfer shall be carried out in accordance with other regulations of the Government.

##### Article 2. Regulated entities

This Decree shall apply to the agencies, organizations and individuals who participate in the technology transfer activities specified in Article 1 of the Law on Technology Transfer.

### Chapter II

#### LIST OF TECHNOLOGIES AND THE MANAGEMENT OF TECHNOLOGY TRANSFER

##### Article 3. List of technologies encouraged for transfer, list of technologies prohibited from transferring and list of technologies banned from transferring.

1. This Decree is enclosed with the following lists of technologies:

- a. List of technologies encouraged for transfer (Appendix I);
- b. List of technologies prohibited from transferring (Appendix II);
- c. List of technologies prohibited from transferring (Appendix II);

2. Based on the economic and social development process and the governance management requirements; the ministries and ministerial agencies shall make and send lists of technologies specified in clause 1 of this Article to the Ministry of Science and Technology in order to have them consolidated by the Ministry and then amended by the Government;

##### Article 4. Price and payment methods for technology transfer

1. Contracting parties may sign the agreement on one of or certain payment methods as follows:

- a. Payment in lump sum or installments in cash or in kind, including the payment method of paying for each unit of issue which is produced by using the transferred technology.
- b. Conversion of the technology value into contributions as capital to an investment project or to an enterprise.

If the capital contribution is made by using technology funded by the State (for the technology produced by using state fund or bought by using state fund), the technology shall be valued in accordance with laws.

- c. Payment by percentage (%) of the net selling price.

Net selling price means the total selling price of the product or service produced by using transferred technology (determined based on the sale invoices); less VAT, excise tax, export duty (if any); expenditure on finished-products, spare parts which are imported or bought domestically; expenditure on packages, packaging expenditure, expenditure on transportation of the products to the market and advertising expenditure.

d. Payment by percentage (%) of the net revenue.

The net revenue is determined by using revenues from selling products or services produced by using the transferred technology and by deducting the revenues such as trade discounts, sales discounts and sales returns.

dd. Payment by percentage (%) of the earnings before income taxes.

Earnings before income taxes means the net revenue less the total reasonable expenses associated with production of products or services using the transferred technology sold in the market. Contracting parties may sign the agreement on payment method of using the earnings after income taxes.

e. Contracting parties may combine two or all of the methods specified in clause a, b, c, d and dd of this clause, or use other payment methods which comply with the regulations on technology transfer.

2. If the technology is transferred (the technology is produced by using state fund or bought by using state fund) between contracting parties with one or multiple parties use the state fund, the valuation shall be carried out based on technology valuation consultancy as prescribed by laws.

3. If the technology transfer is carried out between the parties having parent company - subsidiary company relationship and the parties having association relationship as prescribed by the law on taxation, the audit of prices shall be carried out by using the technology valuation method as prescribed by laws and as required by the tax authority.

#### **Article 5. Registration of technology transfer**

1. If the technology transfer is not required to be registered according to the regulations in clause 1, Article 31 of the Law on Technology Transfer, but the organizations or individuals still have the need to register for the technology transfer, they shall complete the procedures prescribed in the regulations in clauses 3, 4, 5 and 6 of Article 31 of the Law on Technology Transfer and the regulations hereof.

The effective date of the technology transfer agreement which is specified in this clause shall be agreed by contracting parties. If the parties have not executed this agreement by the time of registration for the technology transfer, this agreement shall come into effect from the date on which the Technology Transfer Registration Certificate is issued.

2. The transferee receiving technology transfer from a foreign country or within Vietnam, or the transferor who transfers technology from Vietnam to a foreign country shall represent both parties to submit the application for registering the technology transfer to the competent authority mentioned in Article 6 hereof.

3. The time limit for issuing the Technology Transfer Registration Certificate:

a. Within 05 working days from the date on which the completed application documents are received as prescribed in clause 3, Article 31 of the Law on Technology Transfer, the competent authority mentioned in Article 6 hereof shall issue a Technology Transfer Registration Certificate to the applicant.

b. If the application is deemed incomplete, within 03 working days from the date on which the application is received, the competent authority shall send a written request to the applicant for providing additional documents.

c. If the contents in the application are required to be amended, within 05 working days from the date on which the application is received, the competent authority shall send a written request to the applicant for additional documents.

d. If the competent authority refuses to issue the certificate, within 05 working days from the date on which the application is received, it shall provide explanation in writing to the parties.

4. The Registration Forms for technology transfer and the Technology Transfer Registration Certificate shall be issued using form No. 1 and form No. 02 in Appendix IV hereto.

#### **Article 6. The authority to issue Technology Transfer Registration Certificate**

1. As for the technology transfer through carrying out investment project:

a. The Ministry of Science and Technology shall issue a Technology Transfer Registration Certificate to an investment project in Vietnam which is under the decision on policy of investment of the National Assembly, Prime Minister, ministries and central government authorities as prescribed in the

regulations of the law on investment, of the law on public investment and the law on outward investment projects.

b. The Department of Science and Technology shall issue a Technology Transfer Registration Certificate to an investment project within the areas managed in accordance with the decision on policy of investment of the People's Councils, People's Committees, Manage Boards of industrial parks, of export processing zones, of hi-tech parks and of economics zones as prescribed in the law on investment and the law on public investment; to the project required to register for Technology Transfer Registration Certificate but is not required to obtain a decision on policy of investment of the regulatory agency; to the cases where the applicants choose to register in accordance with clause 2, Article 31 of the Law on Technology Transfer.

2. As for the independent technology transfer and other forms as prescribed by laws:

a. The Ministry of Science and Technology shall issue a Technology Transfer Registration Certificate to the applicant who transfers technology from a foreign country to Vietnam or from Vietnam to a foreign country.

b. The Department of Science and Technology shall issue a Technology Transfer Registration Certificate to the applicant who transfers technology within Vietnam by using state fund or state budget, and to the applicant who falls into the case mentioned in clause 2 Article 31 of the Law on Technology.

3. The Ministry of National Defense shall issue the Technology Transfer Registration Certificate to the cases where the technology transfer is on the list of national defense secrets or on the list of properties procured by using national defense's special budget.

4. The authority to issue the Certificate of Registration of Technology Transfer Extension (hereinafter referred to as "Extension Certificate") to the cases mentioned in clause 1 and clause 2, Article 42 hereof shall be carried out in accordance with the regulations in clause 1, 2 and 3 hereof.

5. The Department of Science and Technology shall send a report on the technology transfer process to the Ministry of Science and Technology before December 31 every year; the reporting data shall be made from December 15 of the previous year to December 14 of the reporting year. The report on the technology transfer process shall be made by using form No. 10 in Appendix IV hereto.

#### **Article 7. Reimbursement of supports or incentives**

1. The organizations or individuals who received supports or incentives through technology transfer shall reimburse these supports or incentives to the state budget if the Technology Transfer Registration Certificate is nullified in accordance with clause 2, Article 32 of the Law on Technology Transfer.

2. Within 05 working days from the date on which the Technology Transfer Registration Certificate is nullified, the agency that issues this certificate shall send a written notification to the organizations or individuals, financial management agencies at the same level and the competent agencies which make decisions on providing supports or incentives to the organizations or individuals as prescribed by laws, and shall post this notification on its website.

Within 05 working days from the date on which the notification of nullification of the Technology Transfer Registration Certificate is received, the financial management agency and the competent authority which provide supports or incentives for the organizations or individuals shall send a notification to the aforesaid organizations or individuals to request for the reimbursement of supports and incentives as prescribed by laws.

3. Within 20 working days from the date on which the notification of the reimbursement of supports or incentives is received, the organizations or individuals who have the Technology Transfer Registration Certificate nullified shall reimburse the fund in full to the State Budget through the state treasury.

If the organizations or individuals do not reimburse the supports or incentives on time, this case shall be handled in accordance with the relevant regulations of laws.

4. The relevant organizations shall include the report on the process of reimbursement to the state fund budget in their annual final accounts and/or annual financial statements as prescribed by laws.

### **Chapter III**

## **MEASURES FOR SUPPORTING AND ENCOURAGING TECHNOLOGY TRANSFER, APPLICATION AND INNOVATION, AND SCIENCE AND TECHNOLOGY MARKET DEVELOPMENT**

### **Section 1. SUPPORTING TECHNOLOGY TRANSFER, APPLICATION AND INNOVATION**

#### **Article 8. Supports and incentives for enterprises that have projects in investment incentive sectors or geographical areas**

1. Conditions for receiving supports:

- a. Having a project which belongs to a sector or a geographical area entitled to investment incentives as prescribed in the law on investment;
- b. Having a technology transfer agreement or Technology Transfer Registration Certificate (if the enterprise is an entity required to register for the technology transfer);
- c. Having the technology transfer which is under the project specified in point a of this clause.

2. Types of support:

- a. Lending loans with preferential interest rate and/or granting interest subsidies to the enterprises for carrying out technology transfer.
- b. Providing supportive fund for performing science and technology tasks or direct support.

3. The type of supports specified in point b, clause 2 of this Article is used to support the activities in developing and innovating technology, using maximum performance; improving performance and product quality during technology transfer process, including:

- a. Being prioritized to be included in the list of tasks carried out to select and provide technology directly, and being prioritized to be supported in accordance with the regulations of the program or fund through science and technology tasks.
- b. Being supported for hiring counselors to evaluate the adjustments made to equipment, technology process and production line; to train and improve the enterprise's capacity to adopt and absorb technologies, applicable to direct supports

4. Funding sources:

- a. The fund for performing science and technology tasks specified in point a, clause 3 of this Article is allocated from national science and technology programs; from the funds used for developing science and technology of enterprises, ministries, ministerial agencies, governmental agencies, provincial agencies or agencies of central-affiliated cities; from the state budget used for science and technology and from other funding sources.
- b. The direct funding specified in point b, clause 3 of this Article is allocated from science and technology development funds of ministries, ministerial agencies, governmental agencies, provincial agencies and agencies of central-affiliated cities; from the state budget used for science and technology and other legal funding sources.

5. Levels of funding sources:

Aside from being entitled to investment incentives which are provided for a sector or a profession as prescribed in the law on investment, the enterprise shall be entitled to the following levels of funding sources:

- a. The levels of funding sources prescribed in current regulations shall apply to the sources specified in point a, clause 4 of this Article.
- b. The loans used for transferring technology of the project shall be granted an interest subsidy of up to 2% per year by the National Technology Innovation Fund or Science and Technology Development Fund of the ministries, ministerial agencies, governmental agencies, provincial agencies or agencies of central-affiliated cities,
- c. If an enterprise takes out loans to transfer technology of a project, it shall receive loans with preferential interest rates as prescribed in the regulations of the funds or credit institutions which provide concessional loans.

**Article 9. Authorization and procedures for assisting enterprises that have projects belonging to investment incentive sectors and geographical areas to receive technology transfer from science and technology organization.**

1. Application documents for financial supports:

a. As for the financial support request regarding science and technology tasks carried out to transfer technology, the application documents shall include:

- Documents as prescribed in the Law on Science and Technology and the documents on providing guidelines for science and technology tasks.
- A technology transfer agreement or Technology Transfer Registration Certificate (if the entity must register for the technology transfer).

b. As for the request for receiving preferential loans or interest subsidies regarding the technology transfer of an investment project, the application documents shall include:

- The documents prescribed in the regulations of the credit institution which provides concessional loans and interest subsidies.

- A technology transfer agreement or Technology Transfer Registration Certificate (if the entity must register for the technology transfer).

- An explanation report on the expected technology transfer efficiency including the reports on the economic effects and other effects from the technology transfer (applicable to the interest subsidies provided after carrying out the investment project)

2. Authorization and procedures:

a. As for the supports from the national science and technology programs, science and technology development funds of enterprises, departments, ministerial agencies, governmental agencies, provincial agencies or agencies of central-affiliated cities; state budget fund used for science and technology, the authorization and procedures for receiving these supports shall be carried out in accordance with the Law on Science and Technology and with the documents on providing guidelines for science and technology tasks.

b. As for the funding allocated from the local budget, the authorization and procedures for receiving supports shall be carried out in accordance with the regulations of the regulatory agency of the province.

c. As for other legal funding sources, the authorization and procedures shall be carried out in accordance with the current laws.

### **Article 10. Science and Technology Development Funds of the enterprises**

1. The investment contents of the science and technology development fund of the enterprise mentioned in clause 2, Article 35 of the Law on Technology Transfer shall include:

a. Investment in and counterpart funds for innovative startups.

b. Technology innovation, technology incubation, science and technology business incubation, and commercialization of findings on scientific research and technological development.

c. Reverse engineering and investment in technical facilities for reverse engineering.

d. The hire of domestic or foreign organizations or individuals for counseling and managing the investment activities of the enterprise's science and technology development fund as prescribed in the agreement between both parties.

2. The investment and counterpart fund for innovative startups shall be carried out under the following forms:

a. Contribute capital for establishing an innovative startup enterprise.

b. Purchase holdings and contributed capital of the innovative startup enterprise.

c. Contribute capital to the innovative startup investment fund.

d. Cooperate in business.

3. The activities of investment and counterpart fund specified in clause 2 of this Article shall be carried out in the main field or business lines of the enterprise and shall comply with the regulations in the Law on Investment, Law of Enterprises and the Law on Provision of Assistance for Small and Medium-sized Enterprises, and other relevant laws.

4. The State Enterprise shall carry out the activities specified in clause 2 of this Article and shall comply with the regulations on managing and using state budget to invest in the enterprise's production and business.

### **Article 11. Using property rights in loan transactions**

1. The following rights may be put up as a security for a loan to execute the projects of science and technology, start an innovative business, develop production and business based on the R&D findings (hereinafter referred to as "R&D findings").

a. The ownership right and the right to use science and technology task outcomes as prescribed by the law on science and technology, the law on managing and using public properties whose value may be determined are considered as property rights.

b. The right to own or the right to use objects of intellectual property in accordance with laws on intellectual property may be valued is considered as property right.

c. Other rights arising from science and technology task outcomes and intellectual property objects whose value may be determined are considered as property rights.

2. Conditions and procedures for using property rights as prescribed in clause 1 of this Article as a security for loan transactions shall be implemented in accordance with the law on secured transactions, the law on management and the operation regulation of the institutional lenders.

**Article 12. Encouraging cooperation between enterprises and authorities or organizations or individuals in developing technology innovation projects, innovative startups, or upgrading infrastructure facilities to serve science and technology development and general research activities.**

1. Enterprises that cooperate with the authorities, organizations or individuals to develop technology innovation projects or innovative startups shall:

a. Be supported as prescribed in Article 8 hereof for the technology innovation projects having a technology transfer agreement or a Technology Transfer Registration Certificate (if the entities must register for technology transfer) and belonging to investment incentive sectors and geographical areas.

b. Be entitled to the supports which are specified in point a, b, c, clause 1, Article 15 hereof and are given to the individuals who participate in technology innovation projects

c. Be prioritized to include science and technology task in the list of tasks of National Technology Innovation Program, science and technology programs which support technology innovation and innovative startups, and science and technology development funds of departments, ministerial agencies, governmental agencies, provincial agencies and agencies of central-affiliated cities.

d. Be allowed to hire technological labor, carry out a survey on market demand, hire equipment, use laboratories and technical bases for completing and developing products and business model for innovative startups which receive initial investments from the investors or organizations supporting the startups.

2. Enterprises that cooperate with the authorities, organizations or individuals to execute the project on investing and developing infrastructure facilities to serve science and technology development shall:

a. Be prioritized to invest in high-tech park under the projects which satisfy the conditions for high technology.

b. Be encouraged to engage in public-private partnership and be entitled to incentives as prescribed in the law on investment regarding the projects on research activities, manufacture, experimental production, technology incubation, and science and technology business incubation. The project execution shall be carried out in accordance with the law on investment and under the form of public-private partnership.

c. Be entitled to financial supports for repairing and using incubation facilities, technical facilities, common working areas in innovative incubation and startups; investment in equipment commonly used for innovative incubation and startups; installation of information technology infrastructure and internet services free of charge for incubation and technical facilities, common working areas.

3. Enterprises that cooperate with the authorities, organizations or individuals to develop general research projects shall:

a. Be prioritized to include the bilateral or multilateral cooperation programs in the list of science and technology tasks regarding the general cooperation research whose participated entities are foreign organizations or individuals.

b. Be supported to announce new technologies and new products from the outcomes of general cooperation research which is stipulated in Article 26 hereof.

c. Be supported to develop and use the R&D findings as prescribed in Article 24 hereof.

d. Be considered for receiving financial supports if they satisfy the regulations in Article 19 hereof.

**Article 13. Providing supports and incentives for enterprises that invest in material - technological facilities to serve reverse engineering and for organizations or individuals who carry out reverse engineering.**

1. Investment in material - technical facilities for reverse engineering, including: Investment in laboratories, specimen analysis, modeling and simulation, experiment evaluation, mechanical factory, testing and modeling

2. The enterprises that carry out one of the activities specified in clause 1 of this Article shall be entitled to the following incentives and supports:

a. Receive financial supports, guarantees for loans or interest subsidies from the National Technology Innovation Fund or credit institutions.

b. Be prioritized to invest in high-tech park.

3. The organizations or individuals who carry out the reverse engineering activities shall be entitled to the following supports and incentives:

a. Receive financial supports, guarantees for loans or interest subsidies from the National Technology Innovation Fund or credit institutions.

- b. Receive incentives as prescribed in the law on taxation for the machines, equipment, components, materials, specimens which are not yet created domestically with the aim to directly serve reverse engineering.
  - c. The products created from reverse engineering shall be encouraged to use in the investment project funded by state budget and shall be prioritized in bidding for purchase and supply of public products and services.
  - d. Receive training support to improve the enterprises' capacity to absorb and acquire technology.
  - dd. The project on reverse engineering shall be prioritized to be included in the list of science and technology tasks of the program, scheme, science and technology fund.
4. Eligible conditions for receiving supports or incentives of the organizations or individuals who carry out inverse engineering activities:
- a. The technology required to perform reverse engineering shall be high technology, advanced technology and clean technology which serve the implementation of national and regional social-economic development plans and/or strategies. <0
  - b. The reverse engineering serving national defense and security tasks shall be carried out in accordance with the regulations on national defense and security tasks.
5. Supports for performing science and technology tasks:
- a. Purchase and import specimens (products, technologies, designs, equipment and systems which are required to perform reverse engineering) for serving reverse engineering.
  - b. Hire professionals for carrying out counseling, searching and providing technical support and technical labor to serve reverse engineering.
  - c. Use laboratory system, perform measurement, experiment and evaluation of standards and technical regulations for serving reverse engineering.
  - d. Other supports prescribed in the document on guiding the funding sources specified in clause 6 of this Article.
6. The funding sources for performing science and technology tasks shall be allocated from the National Technology Innovation Program, science and technology funds of enterprises, departments, ministerial agencies, governmental agencies, provincial agencies and agencies of central-affiliated cities, state budget used for science and technology and other fundings from legal sources.
7. The funding sources through science and technology tasks shall be allocated from the National Technology Innovation Program, science and technology funds of enterprises, departments, ministerial agencies, governmental agencies, provincial agencies and agencies of central-affiliated cities, state budget used for science and technology and other fundings from legal sources.
- Authority, procedures and support levels of fundings allocated from legal sources shall be carried out in accordance current regulations.

**Article 14. Science and technology organizations which associate with local organizations to apply or transfer technology for developing findings from scientific research and technology development in conformity with local features**

1. Science and technology organizations which own the R&D findings and associate with local organizations for applying or transferring technology shall receive supports through science and technology tasks such as:
- a. Searching and hiring professionals to analyze and evaluate the R&D findings and ensuring that the technology transfer and application are in conformity with local features.
  - b. Carrying out research or experiment to develop R&D findings; develop technology process and production lines.
  - c. Other supports prescribed in the document on guiding the funding sources specified in point a, clause 2 of this Article.
2. Funding sources and support levels:
- a. The funding sources for performing science and technology tasks shall be allocated from national science and technology programs, science and technology funds of enterprises, departments, ministerial agencies, governmental agencies. provincial agencies and agencies of central-affiliated cities, from state budget used for science and technology and fundings from other legal sources.
  - b. The support levels shall apply in accordance with the document on guiding the funding sources specified in point a of this clause.
3. Authorization and procedures:

a. Application shall consist of:

- The documents prescribed in the Law on Science and Technology and documents on providing guidelines on science and technology tasks.
- Proof of the legal ownership right to R&D findings, if there is a proof.

b. Authority and procedures shall be carried out in accordance with the Law on Science and Technology and other documents on providing guidelines for science and technology tasks.

The authority, procedures and support levels from other legal sources shall be carried out in accordance with current regulations.

4. Science and technology organizations which associate with local organizations to apply or transfer technology for bringing R&D findings into conformity with local features.

**Article 15. Supporting individuals who work at research institutions and higher educational institutions and do research on technology transfer, application and/or innovation at manufacturing facilities and business establishments**

1. Individuals who work at research institutions and higher educational institutions and do research on technology transfer, application and innovation at the manufacturing facilities and business establishments shall receive the following supports:

- a. Receive the same incentives as high-tech labor force of enterprises as prescribed in the regulations of clause 10, Article 3 of the Law on High Technology while working at the enterprises which manufacture the products on the list of high technology.
- b. Be prioritized to participate in the training courses in improving the capacity to absorb and acquire technology.
- c. Be prioritized to be included in the professional database of science and technology.
- d. As for the individuals who work at research institutions or higher educational institutions, their time working at the enterprises shall be included in the time-fund for scientific research.

2. Individuals who work at research institutions or higher educational institutions and do research on technology transfer, application and innovation at the manufacturing facilities and business establishments shall receive incentives and supports from the State if they:

- a. Work at research institutions and satisfy the training standards and receive professional qualifications to become researchers, engineers or technicians or above as prescribed in the regulations on codes and standards of occupational title for officers of science and technology.
- b. Work at research institutions and satisfy the training standards and receive professional qualifications to become lecturers or above as prescribed in the regulations on codes and standards of occupational title for professors working at higher educational institutions.

**Section 2. SUPPORTING AND ENCOURAGING THE DEVELOPMENT OF SCIENCE AND TECHNOLOGY MARKET**

**Article 16. Handing over the ownership right of science and technology task outcomes which are funded by the State**

1. The asset valuation results determined from science and technology task outcomes which are owned by the State as prescribed in the law on managing and using public property, are the bases for the competent authority to consider the decision on handing over the ownership right of science and technology task outcomes.

2. Procedures for handing over science and technology task outcomes funded by the State shall be carried out as prescribed in the law on managing and using public property.

**Article 17. Dividing profits accrued from the commercialization of R&D findings funded by state budget**

Profits accrued from the commercialization of R&D findings funded by state budget shall be divided as follows:

- 1. As for the R&D findings which are subjected to intellectual property rights protection, the payment for the authors shall be made in accordance with the law on intellectual property.
- 2. As for the findings from scientific research and technology development which are not subjected to intellectual property rights protection, the payment for the authors shall be made in accordance with the law on science and technology.
- 3. The intermediaries and agents shall receive the divided profits agreed between both parties but these profits shall not exceed 10%. If both parties do not make an agreement on the profits, they shall receive a level of 10%.



4. If the parties are requested to distribute a part of their profits to the State while handing over the ownership rights, these profits shall be divided in accordance with the law on managing and using public property.
5. After dividing the profits to relevant parties, the presiding entity shall be allowed to use the remained profits as follows:
  - a. Use up to 50% of the profits to invest in science and technology activities; provide or add them to science and technology development funds.
  - b. The remained profits shall be used for commendation, benefits and development investment of the presiding entity.

**Article 18. Recognizing findings from scientific research and technology development which have been self-financed and performed by organizations or individuals**

1. The organizations or individuals who request the recognition of R&D findings shall send an application in person or by post to the competent authority (01 written application and 01 electronic application) The application shall consist of:
  - a. An application form of the organizations or individuals requesting recognition of R&D findings.
  - b. A proof of the legal ownership to R&D findings, or a written commitment in case where there is no proof.
  - c. A description of the characteristics, technical, economic-social and environmental effects of the R&D findings (drawings, designs, process description, maps, survey results, analysis and evaluation and experiment results).
  - d. Documents on the R&D findings which have been transferred and applied successfully in reality.
  - dd. The following documents (if any): A document on the onions of organizations or individuals on the effects of technology application in reality, rewards; documents on intellectual property rights, standards, measures and quality, and other documents.
2. The authorities competent to recognize the findings are ministries and ministerial agencies by their fields of management or People's Committees of provinces where the findings are transferred or applied.
3. Procedures for considering and evaluating application shall be carried out in accordance with the regulations in clause 6, Article 20 hereof.
4. The evaluation contents regarding the applications of the organizations or individuals:
  - a. The compliance with regulations on ownership of R&D findings.
  - b. The contents and measures for doing research and experiment, for transferring and applying technologies; characteristics and technical effects of the R&D findings in specific fields.
  - c. Scope, application scale, transfer; economic-social values, environment, national defense and security in specific conditions of the whole country or the provinces.
5. The competent authority shall revoke the document on recognizing R&D findings if:
  - a. There is untrue information or falsified document attached in the application; or there is violation of the intellectual property rights or ownership rights regarding the R&D findings.
  - b. There is violation during the consideration and recognition processes.
6. The Ministry of Science and Technology promulgates the forms for completing the procedures specified in this Article.

**Article 19. Providing financial supports and purchasing the R&D findings which have been self-financed or performed by the organizations or individuals**

1. The R&D findings which have been performed, transferred and applied effectively in reality by organizations or individuals, approved by the competent authority and are significant in the economic-social development process of the country, province, national defense and security shall be considered and purchased in accordance with the regulations on procurement funded by the state budget.
2. The R&D findings shall be considered and supported financially by the competent authority if:
  - a. The R&D findings are transferred and applied effectively in reality and approved by the competent authority.
  - b. The R&D findings are transferred and applied effectively in reality within 03 years from the moment they are applied and transferred. .
  - c. If the R&D findings are included in the list of technologies encouraged for transfer.

d. The organizations or individuals requesting the supports now have a plan on commercializing the R&D findings.

3. The supports provided for organizations or individuals who own the R&D findings shall satisfy the regulations in clause 2 of this Article under the following forms:

a. Financial supports

b. Supports provided through performing science and technology tasks.

4. Supportive funding sources or purchase of R&D findings funded by state budget; programs and schemes managed by departments, sectors and localities.

#### **Article 20. Authorization and procedures for providing financial supports and purchasing R&D findings**

1. The organizations or individuals who request the State to provide financial supports and purchase the R&D findings shall send an application in person or by post to the competent authority (01 written application and 01 electronic application)

2. Application documents for financial supports:

a. An application form, enclosed with a written explanation.

b. A document of a competent authority recognizing the R&D findings.

c. Documents specifying the R&D findings which have been applied and transferred within 03 years.

3. Application documents for purchase of technologies:

a. The documents specified in point a, b, clause 2 of this Article.

b. A recommendation document of the agencies and/or organizations on the necessary to make purchases and the plan for managing, developing and transferring the R&D findings.

4. Evaluating the application of organizations or individuals before considering the financial supports and purchasing the R&D findings:

a. The recommending application shall satisfy the conditions specified in clause 1, Article 19 hereof; the practicality of the plan on managing, developing and transferring the R&D findings.

b. The application for financial supports shall satisfy the conditions specified in clause 2, Article 19 hereof.

5. The competent authorities who consider and evaluate the application shall be ministries, ministerial agencies by their areas of management; People's Committees of the provinces where the R&D findings are applied.

6. The procedures for consideration and evaluation:

a. Within 03 working days from the date on which the application is received, the competent authority shall send a notification of the evaluation results and a request for amendments (if any) to the applicants. If the application is deemed unsatisfied, there must be a written explanation.

b. Within 15 working days, the competent authority shall evaluate the application through the evaluation council. The evaluation council shall be comprised of 07 to 09 members, including the representatives of the managing agencies and professionals in relevant fields.

c. Within 07 working days from the date on which the evaluation result of the council is received, the competent person shall approve the application for providing supports and making purchases. If the application cannot be approved, there must be a written explanation.

d. The costs for evaluating applications shall be estimated in the budget of departments, sectors and localities.

7. The R&D findings which have been approved to be purchased or supported shall be published on website and sent to the applicants and the local agencies managing science and technology.

8. Purchases and supports:

a. The purchases of R&D findings shall be carried out in accordance with the regulations on purchase funded by the state and other relevant regulations.

b. Financial supports shall be provided in accordance with the law on science and technology and other relevant programs and/or schemes.

9. The Ministry of Science and Technology promulgates the forms for completing the procedures specified in this Article.

#### **Article 21. Purchasing and doing research on perfecting inventions or initiatives which have been transferred to enterprises for applying them in reality and disseminated to people.**

1. Inventions or initiatives which have been applied effectively in small scale shall be considered for purchasing by the State and transferred to enterprises for applying them in reality and disseminated to people in accordance with the law on purchases funded by the state.

2. The organizations or individuals who have inventions or initiatives which have been applied effectively in a small scale shall be prioritized to participate in research programs or schemes which are managed by departments, sectors or localities for perfecting, transferring and expanding scale.

#### **Article 22. Procedures for purchasing inventions or initiatives**

1. The organizations or individuals who request the State to purchase inventions or initiatives shall send an application in person or by post to the competent authority (01 written application and 01 electronic application) The application shall consist of:

a. An application form for requesting the State to purchase inventions or initiatives.

b. A patent and a certificate of initiative.

c. Documents proving the effective application of the inventions or initiatives in reality and the capacity to expand the applying scale.

d. A recommendation document of the agencies or organizations on the necessity to purchase inventions or initiatives and a plan on managing, developing and transferring them.

2. Evaluating applications from organizations or individuals before considering to purchase the inventions or initiatives:

a. Validity, scope of protection, contents of measures of protected inventions; contents of initiatives recognized by competent authority.

b. Actual application effects of inventions or initiatives; demand of the enterprises or publics; conditions and inventions' or initiatives' capacity to expand application scale.

c. The ability to apply inventions or initiatives to provide social benefits in production, provide products and public services; serve national defense and security; protect environment and people's health;

3. Authority and procedures for considering and evaluating applications shall be carried out in accordance with clause 5, 6, Article 20 hereof.

4. The responsibility to announce inventions or initiatives satisfying the conditions for making purchases shall be taken in accordance with clause 7, Article 20 hereof.

5. The purchase of inventions shall be carried out in accordance with the law on purchases funded by the state and other relevant laws

6. The Ministry of Science and Technology promulgates the forms for completing the procedures specified in this Article.

#### **Article 23. Collecting, evaluating, selecting, recognizing and announcing the R&D findings to serve the demand for innovation of organizations or individuals who work in decentralization careers**

1. The collection, evaluation, selection and announcement of R&D findings shall be carried out in accordance with the law on science and technology information activities to serve the demand for innovation of organizations or individuals.

2. The recognition of R&D findings which are funded by state budget shall be granted in accordance with the law on science and technology; as for the R&D findings which have been self-financed and performed by organizations or individuals, the recognition of these findings shall be granted in accordance with the regulations in Article 18 hereof.

3. The funding sources for collecting, evaluating, selecting, recognizing and announcing R&D findings shall be estimated in the budgets of departments, sectors or localities and other legal funding sources.

#### **Article 24. Encouraging the development and use of R&D findings and technological ideas**

1. The State shall provide information on science and technology free of charge for the following entities:

a. Science and Technology enterprises and hi-tech enterprises

b. Individuals, groups of individuals who carry out the project on innovative startups, and innovative start-up enterprises.

c. Organizations that support innovations and innovative start-ups; technology incubators; science and technology business incubators and high-tech business incubators.

2. The entities specified in clause 1 of this Article shall be prioritized to participate in programs or schemes supporting the collection of information about science and technology, development of inventions, discover of intellectual property and commercialization of R&D findings.

## **Article 25. Priority to establish industrial property rights, certification and registration of new products or new technologies**

The regulatory agencies shall have the authority to make priority consideration when they:

1. Establish industrial property rights for organizations or individuals who own the R&D findings for establishing and developing science and technology enterprises, high-tech enterprises, and innovative start-up enterprises.
2. Issue certificates and approve registrations of new products or new technologies for organizations or individuals who conduct application, transfer and commercialization.

## **Article 26. Announcing new technologies and new products which are produced in Vietnam based on the R&D findings**

1. The organizations or individuals who request the evaluation and assessment of new technologies and new products shall send an application in person or by post to the competent authority (01 written application and 01 electronic application). The application shall consist of:
  - a. An application form requesting the evaluation and assessment of new technologies and new products,
  - b. A proof of the legal ownership rights to new technologies or new products, or a written commitment if there is no proof.
  - c. A description of characteristics, technical effects, quality, comparison on features of technologies, imported products with the same quality or are used in foreign countries.
  - d. A report on the application results of new technologies or new products.
- dd. The following documents (if any): A document on the opinions of organizations or individuals on the actual application effects and rewards, documents on intellectual property rights, standards, measures and quality, and other documents.
2. The evaluation and assessment contents are about:
  - a. The compliance with regulations on ownership rights, intellectual property rights; standards, measures and quality; testing results; and conditions of registration.
  - b. Comparison on the prices between new technologies or new products and imported technologies or imported products.
  - c. Characteristics, technical effects, quality, comparison on features of technologies, imported products with the same quality or are used in foreign countries.
  - c. Scope, application scale, transfer; economic-social values, environment, national defense and security in specific conditions of the whole country or the provinces.
3. Procedures for considering and appraising application shall be carried out in accordance with the regulations in clause 6, Article 20 hereof.
4. The Ministry of Science and Technology shall decide to announce new technologies or new products which are produced in Vietnam but have the same quality with imported technologies or imported products and shall post this announcement on its website.
5. Encouraging agencies and organizations to use new technologies or new products, which are produced in Vietnam and announced in accordance with clause 4 of this Article, in the investment project funded by state budget; in procurement and when providing public products and services.
6. The Ministry of Science and Technology promulgates the forms for completing the procedures specified in this Article.

## **Article 27. Developing created technologies and improving national key products**

1. Domestic organizations or individuals who produce technologies based on the R&D findings to produce national key products shall be considered for receiving financial supports or having their findings purchased in accordance with Article 19 and Article 20 hereof.
2. Transferees of created technologies for developing technologies and improving national key products shall be prioritized to carry out science and technology tasks.
3. Aside from the expenditures specified in current regulations, organizations or individuals who carry out science and technology tasks for developing technologies and finishing national key products shall also be provided with financial supports for purchasing copyrights and software tools; plans, domestic animals; equipment, technical documents, information on intellectual property rights; technical know-how; importing prototypes for analysis and reverse engineer performance; hiring domestic or foreign professionals for evaluating technologies and performing reverse engineering.

4. Organizations or individuals who transfer, apply and perfect technologies for producing national key products shall receive incentives on credits, tax and land use, and supports for commercial enhancement and market development as prescribed in the regulations of national science and technology programs and of other programs or schemes managed by departments, sectors or localities.

5. Funding sources:

a. The fundings used for providing financial supports or purchasing findings and are specified in clause 1 of this Article shall be allocated from state budget and programs or schemes managed by departments, sectors or localities.

b. The fundings specified in clause 3 of this Article shall be allocated from state budget used for science and technology activities and from science and technology development funds of departments, ministerial agencies, governmental agencies, provincial agencies and agencies of central-affiliated cities; from national programs for science and technology; from other programs or schemes which are managed by departments, sectors or localities and from other legal funding sources.

6. Authorization and procedures:

a. The regulations specified in clause 1 of this Article shall be implemented in accordance with the regulations in Article 20 hereof.

b. The regulations specified in clause 2 and 3 of this Article shall be implemented in accordance with the Law on Science and Technology and documents providing guidelines for science and technology tasks.

c. The regulations of other programs or schemes managed by departments, sectors or localities shall be implemented in accordance with current regulations.

#### **Article 28. Providing training support to improve enterprises' capacity to absorb and acquire technology**

1. Training support provided to improve enterprises' capacity to absorb and acquire technology includes: technology management training, new technologies updates and technology search; technology negotiation and transfer; operator skills; effective technology development; technology adaptation and innovation; reverse engineering; professional development on designing; product development using technology and other contents complying with the process of economic-social development.

2. Support activities carried out to train and improve the enterprises' capacity to absorb and acquire technology:

a. Inspecting, surveying and evaluating the training demand of enterprises; surveying and evaluating the impacts and effects of training activities; carrying out activities to manage, inspect, evaluate the training process of enterprises nationwide.

b. Designing framework of training programs for the contents specified in clause 1 of this Article.

c. Developing training programs and plans, and writing training contents and materials; printing textbooks to serve the training activities.

d. Training lecturers and freelancers who participate in training courses for enterprises.

3. Types of training including concentrated training provided in enterprises, on the internet or other types.

4. The supportive fundings shall be allocated from science and technology career funds, science and technology development funds of enterprises, departments, ministerial agencies, governmental agencies, provincial agencies, agencies of central-affiliated cities; from national science and technology programs and other programs or schemes managed by departments, sectors or localities.

5. Authority, procedures and support levels shall comply with the regulations of the Law on Science and Technology and the documents which provide guidelines for fundings used for science and technology career, science and technology development funds of departments, ministerial agencies, governmental agencies, provincial agencies and agencies of central-affiliated cities; and national science and technology programs.

Authority, procedures and support levels of supportive fundings of other programs or schemes managed by departments, sectors or localities shall comply with the current regulations.

#### **Article 29. Training and encouraging organizations or individuals to participate in the commercialization of R&D findings, and in the development of science and technology market**

1. Entities eligible for training:

a. Organizations or individuals who own the R&D findings and can be used for commercialization.

- b. Organizations or individuals who support the commercialization of R&D findings.
  - c. Organizations or individuals who manage the commercialization activities and support the commercialization of R&D findings.
2. Conditions for the organizations providing trainings:
- a. The organizations shall train and provide knowledge relating to the commercialization of R&D findings and relating to the development of science and technology market.
  - b. Having personnel, professionals and freelancers who have suitable qualifications for the training which is provided to commercialize the R&D findings and to develop science and technology market.
  - c. Having suitable frameworks of training programs for serving the purposes and actual needs of the entities receiving the trainings who are approved by the departments, sectors or localities.
3. Supports:
- a. Hire domestic or foreign professionals; purchase copyrights, software and data for serving the training programs which are provided to commercialize the R&D findings, to consult, promote technology transfer, evaluate technology, make valuation and carry out technology assessment.
  - b. Write and publish technical documents, forms and guidelines on the commercialization of R&D findings and of intellectual property; provide consultancy, promote technology transfer, evaluate technology, make valuation and carry out technology assessment.
  - c. Provide trainings in Vietnam or in foreign countries and on the internet for commercializing the R&D findings and intellectual property; provide consultancy, promote technology transfer, evaluate technology, make valuation and carry out technology assessment.
4. Encouraging organizations or individuals to participate in the commercialization of R&D findings by supporting the competitions, celebrations for honoring and giving awards to the organizations or individuals who have great achievements in applying, transferring and innovating technology, who have innovative start-ups and commercialize the R&D findings.
5. Fundings shall be allocated from science and technology funds, national science and technology programs and other programs or schemes managed by departments, sectors or localities.
6. Authority, procedures and support levels shall comply with the regulations of the Law on Science and Technology and the documents providing guidelines for science and technology career funds, and national science and technology programs.

Authority, procedures and support levels of supportive fundings of other programs or schemes managed by departments, sectors or localities shall comply with the current regulations.

### **Article 30. Supporting the development of intermediaries of science and technology market**

1. Entities eligible for supports:
- a. Organizations that provide the following services: consultancy, promotion of technology transfer, appraisal, valuation and assessment.
  - b. Organizations that provide connection services to support other parties in technology-related transactions including: R&D support, technology commercialization; intellectual property, standards, measurement, quality; investment consultancy, trade promotion, startup support, technology incubation, enterprise incubation; SMEs' support; cooperatives alliance; industry associations.
2. Contents of supports:
- a. Allowed to use national database of technology, technology products, R&D findings, intellectual property, startup ecosystem and innovation ecosystem.
  - b. Look up, collect and provide technology information, intellectual property, standards, measures, quality, technology professionals and technology demand; build database and data mining equipment for science and technology serving the state management.
  - c. Provide consultancy and encourage technology transfer; disseminate R&D findings, technological ideas.
  - d. Hold and participate in events in Vietnam or in foreign countries for encouraging technology market development and commercializing inventions and innovative startups.
  - dd. Hire domestic or foreign professional consultants; provide trainings for intermediaries, encourage technology transfer; carry out appraisal and assessment for technology and provide technology assessment; manage intellectual property; commercialize R&D findings; support innovative startups.
3. The supports shall be carried out through the project on improving capability of intermediaries.
4. Fundings shall be allocated from science and technology career funds, national science and technology programs, and other programs or schemes managed by departments, sectors or localities.

5. Authority, procedures and support levels shall comply with the regulations of the Law on Science and Technology and the documents providing guidelines for science and technology career funds, and national science and technology programs.

Authority, procedures and support levels of fundings of other programs or schemes managed by departments, sectors or localities shall comply with the current regulations.

**Article 31. Supporting and improving information exploitation ability to serve the organizations that provide technology transfer services**

1. Developing technology information sources, including:

a. Information on intellectual property;

b. Information technology database and tools used for analysis, technology appraisal, technological levels, forecast of technology trends, building technology map, technology roadmap.

c. Database of science and technology experts sorted by specialties for intensive consultancy upon requests.

2. Ministry of Science and Technology shall:

a. Take charge and cooperate with departments, sectors or localities to implement the regulations in point 1 of this Article.

b. Enable enterprises, business associations, industry associations, cooperatives; service providers of intellectual property, technology transfer, investment promotion or trade promotion to access and exploit technology information and is funded by state budget.

3. Procedures for providing technology-related information:

a. Provide technology-related information in person at the head offices, technology trade fairs; conferences, specialized seminars and technology forums; provide trainings and contact the enterprises directly in person.

b. Provide information online and in other forms.

**Chapter IV**

**AUTHORIZATION, PROCEDURES AND OPERATING CONDITIONS OF THE ORGANIZATIONS CARRYING OUT TECHNOLOGY APPRAISAL, VALUATION AND ASSESSMENT.**

**Article 32. Specific conditions for the organizations making technology valuation**

1. The organization making technology valuation shall satisfy the following conditions:

a. Has a Certificate of eligibility to provide technology valuation service proving the organization's ability to make valuations in accordance with the law on business valuation for enterprises; a certificate of science and technology operation registration.

b. Have at least 02 valuers who have completed the program for updating information on technology valuation and intellectual property valuation provided or approved by the Ministry of Science and Technology.

2. A certificate of valuation made by the valuer who satisfies the conditions in clause 1 of this Article.

3. The Ministry of Science and Technology shall post the list of organizations which satisfy the conditions for carrying out business valuation on its website.

**Article 33. Conditions for issuing Certificate of eligibility to provide technology appraisal service**

When applying for the business valuation certificate, the science and technology enterprises or organizations shall satisfy the following conditions:

1. Be established and registered for business operation as prescribed by laws.

2. Have at least 02 professionals who have 3 years of experience or more in a suitable technology filed for carrying out appraisal for the provided technology.

If there is a need to add more suitable technology fields, the organizations or enterprises shall have at least 02 professionals who have experience in these fields for carrying out appraisal and satisfying the conditions specified in this clause.

3. Have their own technology valuation measures and process.

**Article 34. Procedures for issuing the Certificate of eligibility to provide technology appraisal service**

1. Issuing the Certificate of eligibility to provide technology appraisal service

a. The organization that registers for the Certificate of eligibility to provide technology appraisal service shall send 01 set of application to the competent authority mentioned in Article 39 hereof in person or by post.

b. If the application is deemed incomplete, within 03 working days from the date on which the application is received, the competent authority shall send a written notification to the applicant requesting the amended documents.

c. Within 10 working days from the date on which the completed application is received, the competent authority shall issue the Certificate of eligibility to provide technology appraisal service to the applicant, using form No. 06 in Appendix IV hereto; if the application is refused, the competent authority shall provide explanation in writing.

2. Amendments to Certificate of eligibility to provide technology appraisal service:

a. The amendments shall be made if the organization which is issued with the Certificate of eligibility to provide technology appraisal service add, expand or narrow the suitable technology fields or change their professionals.

b. The procedures for registering the Certificate of eligibility to provide technology appraisal service shall comply with the regulations in clause 1 of this Article. The certificate shall be issued using form No. 06 in Appendix IV hereto.

3. Re-issuance of Certificate of eligibility to provide technology appraisal service:

a. The reissuance shall be carried out for the organization which has been issued with the Certificate of eligibility to provide technology appraisal service but has lost it or damaged it or changed their name or address.

b. Within 10 working days from the date on which the completed application is received, the competent authority shall reissue the Certificate to the applicant, using form No. 06 in Appendix IV hereto; if the application is refused, the competent authority shall provide explanation in writing.

#### **Article 35. Application documents required for the issuance of Certificate of eligibility to provide technology appraisal service**

1. Application documents required for issuance of the Certificate of eligibility to provide technology appraisal service:

a. An application form for the Certificate of eligibility to provide technology appraisal service, using form No. 03 in Appendix IV hereto.

b. The establishment license of the applicant, business registration certificate or investment license (if the applicant sends the application in person, he/she shall submit the certified true copies of these licenses or certificate, or the copies enclosed with the originals; if the application is sent via post office, the applicant shall submit the certified true copies).

c. A list of professionals who carry out technology appraisal, in which there is information about their names, dates of birth, education, training fields and the number of years working in technology appraisal field; enclosed with the following documents which are related to each professional: An agreement between the professional and the organization; a certified true copy of his/her degree as prescribed in clause 2, Article 33 hereof; a summary of his/her experience in carrying out appraisal and documents proving his/her experience in carrying out appraisal.

A list of professionals who carry out technology appraisal and a summary of their experience in providing such appraisal service, using form No. 07 and No. 08 in Appendix IV hereto.

d. A description of technology appraisal measures or process related to each technology field which requires technology appraisal.

2. Additional documents provided for amending the Certificate of eligibility to provide technology appraisal, including:

a. An application form requesting amendments to the Certificate of eligibility to provide technology appraisal, using form No. 04 in Appendix IV hereto.

b. An amended list of professionals who carry out technology appraisal, in which there is information about their names, dates of birth, education, training fields and the number of years working as certified valuation analysts; enclosed with the following documents which are related to each professional: An agreement between the professional and the organization; a certified true copy of his/her degree as prescribed in clause 2, Article 33 hereof; a summary of his/her experience in making valuation and documents proving his/her experience in making valuation.

An amended list of the organization's professionals who evaluate technology and an amended summary of their experience in providing such appraisal service, using form No. 07 and No. 08 in Appendix IV hereto.



3. Application documents required for issuance of Certificate of eligibility to provide technology appraisal, including:

- a. An application form for re-issuance of the Certificate of eligibility to provide technology appraisal, using form No. 05 in Appendix IV hereto.
- b. An original of the damaged Certificate (if any) shall be provided if the Certificate is damaged.

**Article 36. Conditions for issuing the Certificate of eligibility to provide technology assessment service**

When apply for the Certificate of eligibility to provide technology assessment service, science and technology enterprises or organizations shall satisfy the following conditions:

1. Be established and registered for business operation as prescribed by laws.
2. Have a management system and an operation capacity which satisfy the requirements specified in the national standards TCVN ISO/IEC 17020:2012 or in the international standards ISO/IEC 17020:2012 or in the national or international standards for specialized assessment.
3. Have at least 02 official assessors who are qualified in technology assessment field (an official or an employee signing a contract of 12 months or more, or signing a permanent contract) and satisfy the following conditions:
  - a. Graduate with a bachelor's degree or higher and specialize in a suitable filed with the technology field requiring the assessment.
  - b. Be trained in accordance with the national standards TCVN ISO/IEC 17020:2012 or international standards ISO/IEC 17020:2012 or the national or international standards for specialized assessment
  - c. Have at least 03 years of experience or more in the suitable technological field requiring the assessment.

If there is a need to add more suitable technology fields, the organizations or enterprises shall have at least 02 professionals who have experience in these fields for carrying out the assessment and satisfying the conditions specified in this clause.

**Article 37. Procedures for issuing the Certificate of eligibility to provide technology assessment service**

The procedures for issuing the Certificate of eligibility to provide technology assessment service shall be carried out in accordance with the regulations in Article 34 hereof. The Certificate of eligibility to provide technology assessment service shall be issued using form No. 06 in Appendix IV hereto.

**Article 38. Application documents required for the issuance of Certificate of eligibility to provide technology assessment service**

1. Application documents required for issuance of the Certificate of eligibility to provide technology assessment service shall include:
  - a. An application form requesting the Certificate of eligibility to provide technology assessment service, using form No. 03 in Appendix IV hereto.
  - b. The establishment license of the applicant, business registration certificate or investment license (if the applicant sends the application in person, he/she shall submit the certified true copies of these licenses or certificate, or the copies enclosed with the originals; if the application is sent via post office, the applicant shall submit the certified true copies).
  - c. Documents proving the potential to carry out assessments and satisfying the regulations in clause 2, Article 36 hereof.
  - d. A list of technology assessors; enclosed with the documents related to each technology assessor, including: A copy of the recruitment decision or the labor contract; a certified true copy of the degree or certificate specified in point a and b, clause 3, Article 36 hereof; a summary of the assessor's experience in carrying out technology assessment and documents proving his/her experience in carrying out such assessment.  
  
A list of assessors of the organization and a summary of their experience in carrying out technology assessments, using form No. 07 and No. 08 in Appendix IV hereto.
  - dd. A description of technology assessment measures or process relating to each technology field which requires technology assessment.

e. Form of assessment certificate for organizations

2. Additional documents provided for amending the Certificate of eligibility to provide technology assessment, including:

a. An application form requesting amendments to the Certificate of eligibility to provide technology assessment, using form No. 04 in Appendix IV hereto.

c. An amended list of professionals who carry out technology assessment, in which there is information about their names, dates of birth, education, training fields and the number of years working in the technology field which requires assessment; enclosed with the following documents which are related to each assessor: A copy of the recruitment decision or of the labor contract; a certified true copy of the assessor's degree as prescribed in point a and b, clause 3, Article 36 hereof; a summary of his/her experience in carrying out technology assessment and documents proving his/her experience in carrying out such assessment.

A list of assessors of the organization and a summary of their experience in carrying out technology assessment, using form No. 07 and No. 08 in Appendix IV hereto.

3. Application documents required for issuance of the Certificate of eligibility to provide technology assessment service shall include:

a. An application form requesting the Certificate of eligibility to provide technology assessment service, using form No. 05 in Appendix IV hereto.

b. An original of the damaged Certificate (if any) shall be provided if the Certificate is damaged.

#### **Article 39. Authorization to issue the Certificate of eligibility to provide technology appraisal or assessment service**

1. The supervisory ministries shall be assigned to issue the Certificate of eligibility to provide technology appraisal or assessment service to the applicants who register for the specialized technology appraisal or assessment which is under the management of the supervisory ministries.

2. The Ministry of Science and Technology shall issue the Certificate of eligibility to provide technology appraisal or assessment service to the applicants who register for the technology appraisal or assessment service which is under the management of two supervisory ministries or more.

#### **Article 40. Reporting obligations of the organizations carrying out appraisal or assessment service or of the supervisory ministries**

1. The organizations carrying out appraisal or assessment service shall send a report on the appraisal or assessment process to the competent agency which approves the eligibility to provide technical appraisal or assessment service before December 31 every year. The reporting data shall be determined from December 15 of the previous year to December 14 of the reporting year.

Use form No. 9 in Appendix IV hereto to report the organization's process of technology appraisal and assessment.

2. The competent agency which issues the Certificate of eligibility to provide technology appraisal or assessment shall send a report on the process for issuing such certificate to the Ministry of Science and Technology in order that this Ministry may manage and announce such process on its website before January 31 every year. The reporting data shall be determined from December 15 of the previous year to December 14 of the reporting year.

The report on the process for issuing the Certificate of eligibility to provide technology appraisal or assessment service shall be made by using form No. 11 in Appendix IV hereto.

### **Chapter V**

#### **IMPLEMENTATION**

#### **Article 41. Entry into force**

This Decree shall come into force from July 01, 2018 and replace the Government's Decree No. 133/2008/ND-CP dated December 31, 2008, Decree No. 103/2011/ND-CP dated November 15, 2011, and Decree No. 120/2014/ND-CP dated December 17, 2014.

#### **Article 42. Transitional provisions**

1. After the Law on Technology Transfer comes into effect, if the parties who signed the technology transfer agreement before July 01, 2018 now register for the extension of technology transfer contents required to be registered in accordance with the regulations in clause 1, Article 31 of the Law on Technology Transfer, the procedures for extending such contents shall be carried out in accordance with clause 2, 3 and 4 of Article 33 of the Law on Technology Transfer and the regulations hereof.

2. After the Law on Technology Transfer comes into effect, if the parties register for technology transfer, the registration procedures shall be carried out in accordance with the clause 3 and 5 of Article 3 of the Law on Technology Transfer and the regulations hereof.

If the parties register for the extension of technology transfer, the procedures for extending such transfer shall be carried out in accordance with the regulations in clause 2, 3, and 4 in Article 33 of the Law on Technology Transfer and the regulations hereof.

#### **Article 43. Implementation responsibilities**

1. The Ministry of Science and Technology shall provide guidelines on the regulations hereof.
2. The Ministry of Education and Training shall provide guidelines on the regulations in point d, clause 1, Article 15 hereof.
3. The departments, ministerial agencies, governmental agencies and provincial agencies shall:
  - a. Provide fundings allocated from state budget, National Technology Innovation Fund and science and technology programs, and science and technology funds of departments, ministerial agencies, governmental agencies, provincial agencies or agencies of central-affiliated cities, and raise other fundings for supporting the activities specified in this Decree.
  - b. Make amendments to the documents which provide guidelines on the activities of the National Technology Innovation Fund, science and technology programs, science and technology funds of departments, ministerial agencies, governmental agencies, provincial agencies or agencies of central-affiliated cities, and other programs or schemes related to the regulations hereof
4. The People's Committees of the province shall assign the Department of Science and Technology to take charge and cooperate with relevant units in monitoring, summing up and evaluating the application effects of the R&D findings after being supported to perfect these findings.

Annually, the People's Committees of the provinces shall sum up the application and transfer results of R&D findings of their provinces, and send the report on these results to the Ministry of Science and Technology.
5. The Minister of Science and Technology, the Ministers and Heads of ministerial agencies, Heads of governmental agencies, and Chairpersons of People's Committees of the provinces and central-affiliated cities shall implement this Decree./.

**PP. THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

#### **APPENDIX IV**

##### FORMS

*(Enclosed with the Government's Decree No. 76/2018/ND-CP dated May 15, 2018)*

Form No. 01	Technology Transfer Registration Form
Form No. 02	Technology Transfer Registration Certificate
Form No. 03	Application form for the Certificate of eligibility to provide technology appraisal/assessment service
Form No. 04	Application form requesting the amendments to the Certificate of eligibility to provide technology appraisal/assessment service
Form No. 05	Application form for re-issuance of the Certificate of eligibility to provide technology appraisal/assessment service
Form No. 06	Certificate of eligibility to provide technology appraisal/assessment service
Form No. 07	List of technology appraisers/assessors of the organization.
Form No. 08	Summary of the experience of the appraisers and assessors
Form No. 09	Report on the provision of technology of appraisal/assessment
Form No. 10	Report on the technology transfer registration process
Form No. 11	Report on the issuance of Certificates of eligibility to provide technology appraisal/assessment service

**Form No. 01**

**Independence – Freedom - Happiness**

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*Province (city), date.....*

**TECHNOLOGY TRANSFER REGISTRATION FORM**

To: Ministry of Science and Technology  
(or the Department of Science and Technology of the  
province/city.....)

**I. PARTIES PARTICIPATING IN TECHNOLOGY TRANSFER**

1. Transferor:

- Name (organization or individual):
- Address:
- Telephone: Email:
- Fax: Website:
- Representative: Position:
- Main production and business field:

2. Receiver:

- Name (organization or individual):
- Address:
- Telephone: Email:
- Fax: Website:
- Representative: Position:
- Main production and business field:

**II. CONTENTS OF TECHNOLOGY TRANSFER**

1. Transferred technology

- Name of technology:
- The transferred technology's field:
- Term of technology transfer agreement:

2. Transferred technologies

Technical and technology methods	<input type="checkbox"/>	
Technology plan and process; solutions, specifications, drawings, technical maps; formulas, computer software, information data	<input type="checkbox"/>	
Methods for rationalizing technology production and innovation	<input type="checkbox"/>	
Machinery and equipments attached with the above technologies	<input type="checkbox"/>	
Transfer the rights of industrial property owners - Patents or registration form for industrial property rights (if such entities do not have a patent) etc. (number, date of issue, date of extension) - Certificate of transfer of ownership/use right of industrial owners, etc. (number, date of issue, date of extension)	Invention	<input type="checkbox"/>
	Effective solutions	<input type="checkbox"/>
	Industrial styles	<input type="checkbox"/>

3. Forms of technology transfer

Independent technology transfer	<input type="checkbox"/>	
Investment project	<input type="checkbox"/>	
Technology used as capital contribution	In investment project	<input type="checkbox"/>
	In other forms <i>(specify the names of other forms (if any))</i>	<input type="checkbox"/>

Franchising		<input type="checkbox"/>
Transfer intellectual property rights		<input type="checkbox"/>
Sell and purchase machinery and equipment together with transferred technologies	According to an independent business contract	<input type="checkbox"/>
	According to an investment project	<input type="checkbox"/>
Other forms (specify the names of other forms (if any))		<input type="checkbox"/>

#### 4. Methods of technology transfer

Transfer documents on technology		<input type="checkbox"/>
Provide trainings		<input type="checkbox"/>
Assign technical consultants		<input type="checkbox"/>
Transfer machinery and equipment together with transferred technologies according to the following methods: Transfer documents on technology; provide trainings; assign technical consultants.		<input type="checkbox"/>
Other transfer methods (specify other methods (if any))		<input type="checkbox"/>

#### 5. Scope of technology transfer rights

Transfer technology ownership rights		<input type="checkbox"/>
Transfer the right to use technology	Can continue to transfer the right to use technology to other organizations and individuals	<input type="checkbox"/>
	Cannot continue to transfer the right to use technology	<input type="checkbox"/>
	Transfer the exclusive right to use technology	<input type="checkbox"/>
	Transfer the unexclusive right to use technology	<input type="checkbox"/>

#### 6. Value of technology transfer

No.	Contents	Value	
1	Technical know-how and technology know how; technology plans and process; methods, specifications, drawings, technical maps; formulas, computer software, data and information; methods for legalizing technology production and innovation.		
2	Transfer the rights of industrial property owners.	Invention	
		Effective solutions	
		Industrial styles	
3	Provide trainings		
3.1	Provide overseas trainings		
3.2	Provide in-country trainings		
4	Provide technical support		
5	Machinery and equipment		
Total:			

#### 7. Payment methods for technology transfer

One-off payment by cash or by goods		<input type="checkbox"/>
Multiple-time payment by cash or by goods (number of times.....)		<input type="checkbox"/>
Payment by percentage (%) of the net selling price		<input type="checkbox"/>
Payment by percentage (%) of the net revenue		<input type="checkbox"/>
Payment by percentage (%) of the earnings	Before tax of the receiver	<input type="checkbox"/>
	After tax of the receiver	<input type="checkbox"/>
Other payment methods (specify the names of the methods)		<input type="checkbox"/>

#### 8. Technology products:

- Name and symbol of the product:
- Quality standards (according to Vietnamese Standards, standards of the facilities, international

standards, etc.)

- Quantity

- Export ratio (if being determined)

9. Roles of the technologies in responding to climate change (for the technologies that are used in the programs and projects which aim to control climate change)

Technologies used to reduce greenhouse gas emissions	<input type="checkbox"/>
Technologies used to adapt to climate change	<input type="checkbox"/>

**III. DOCUMENTS ENCLOSED WITH THE REGISTRATION FORM FOR TECHNOLOGY TRANSFER**

An original or a certified true copy of the Technology Transfer Agreement in Vietnamese	<input type="checkbox"/>
A certified true translation in Vietnamese of the Technology Transfer Agreement in .....(foreign language)	<input type="checkbox"/>
A copy of the Investment Registration Certificate (or the Enterprise Registration Certificate or the Business Registration Certificate, etc.) of the parties participating in the technology transfer	<input type="checkbox"/>
A Legal Status Certificate of the representatives of the parties signing the agreement.	<input type="checkbox"/>
A certified true copy of the Approval Document of the competent authority who decides the technology transfer investment funded by state budget.	<input type="checkbox"/>
An authorization document (if the authorized third party completes the procedures for registering for technology transfer)	<input type="checkbox"/>

We hereby commit that the above information is true and the contents of the contract comply with the regulations of the laws, if not, we will take all responsibility before the law.

**PP. THE PARTIES  
THE RECEIVER**

(if the technology is transferred from a foreign country into Vietnam or transferred within Vietnam)

**or**

**THE TRANSFEROR**

(if the technology is transferred from Vietnam to a foreign country)

**Note:** Tick into this blank if the information is provided (or true).

**REGULATIONS ON THE USE OF THE CERTIFICATE**

The technology transferor and receiver shall strictly implement the following regulations:

1. Submit the Certificate as required by the competent authority.
2. Do not modify or amend the contents of the Certificate.
3. Do not lend or lease the Certificate
4. Complete the procedures for registering for the extension, amendment and supplement at the agency issuing the Certificate according to the regulations.
5. Reissue the Certificate if it is lost, torn or damaged.

**SOCIALIST REPUBLIC OF VIETNAM**



**CERTIFICATE  
OF REGISTRATION OF TECHNOLOGY  
TRANSFER**

**NAME OF THE AGENCY ISSUING THE TECHNOLOGY TRANSFER REGISTRATION CERTIFICATE**

**TECHNOLOGY TRANSFER REGISTRATION CERTIFICATE**

**No.: .../GCN...issued on date.....**

**1. Transferor:**  
 Name:  
 Head office:  
 Telephone:                      Fax:                      Email:  
 Investment Registration Certificate (or Business Registration Certificate, ect.) No.: ..., date.....by..... (Name of the issuing agency).  
 Enterprise number/tax number:

**2. Receiver:**  
 Name:  
 Head office:  
 Telephone:                      Fax:                      Email:  
 Investment Registration Certificate (or Business Registration Certificate, etc.)  
 No.....date.....by.....(name of the issuing agency).  
 Enterprise number/tax number:

**Technology transfer registration:**

1. Name of the technology transfer agreement  
(name, no., date of signing):
2. Names of the transferred technologies:
3. Form of technology transfer (investment project/independent sale and purchase/other forms):
4. Transferred technologies:
5. Term of technology transfer agreement:
6. Names of the products (produced by transferred technologies):

**Registration No.: .../Book No.....date.....**

**Name of the agency issuing the technology transfer registration certificate** (signature, position, full name and stamp)

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom - Happiness

Province (city), date.....

APPLICATION FORM FOR THE CERTIFICATE OF ELIGIBILITY TO PROVIDE TECHNOLOGY  
APPRAISAL/ASSESSMENT SERVICE

To:.....

- 1. Name of the organization: .....
- 2. Address: .....
- Telephone:..... Fax: E-mail: .....
- 3. Establishment Certificate/ Enterprise Registration Certificate/ Investment Registration Certificate No..... Issuing Agency:.....date.....at.....
- 4. After studying the regulations specified in the Government’s Decree No...../2018/ND-CP dated .....providing guidelines for certain articles of the Law on Technology Transfer, we realized that we are eligible to provide technology appraisal/assessment service for the sector.....<sup>2</sup>, and the field of.....<sup>3</sup>
- 5. Attached documents:
  - .....
  - .....

Request (name of the agency issuing the Certificate) to consider and issue the above Certificate of eligibility to provide technology appraisal/assessment service.

We hereby commit to fully implement the law regulations on the provision of technology appraisal/assessment service and other related laws. Also, we will take all responsibility before the law for the information declared above./.

DIRECTOR OF THE ORGANIZATION  
(Signature, stamp)

<sup>1</sup> Specify the name of the service if the application requests the Certificate of such service (e.g.: if the application requests for the Certificate of eligibility to provide technology assessment service, then write “Application form for the Certificate of eligibility to provide technology assessment service”).

<sup>2</sup> Specify the sector (e.g: health sector, construction sector, industry and trade sector, transport sector, etc.).

<sup>3</sup> Specify as follows: Chemistry/Biology/Physico-mechanical/Pharmacy/Electricity— Electronic/Construction Materials/Biological Safety, etc.). If there are multiple data, the organization shall specify them in an enclosed Appendix.

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom - Happiness

Province (city), date.....

APPLICATION FORM REQUESTING THE AMENDMENTS TO THE CERTIFICATE OF ELIGIBILITY  
TO PROVIDE TECHNOLOGY APPRAISAL/ASSESSMENT SERVICE

To:.....

- 1. Name of the organization: .....
- 2. Address: .....
- Telephone: Fax: E-mail: .....



3. Has been issued with the Certificate of eligibility to provide technology appraisal/assessment service No. ....date ...../...../20.....of (name of the issuing agency) in the sector .....<sup>2</sup>, and the field of .....

4. The technology appraisal/assessment service required to be amended (specify the sector...<sup>4</sup>, field.....<sup>5</sup> required to be amended) or the list of technology appraisers and assessors which is required to be amended (full name, date of birth, qualifications, sector, field in which the technology appraisal/assessment service is carried out at the organization).

5. Attached documents:

- .....

Request (name of the issuing agency) to consider permitting the (name of the organization) to amend the conditions of the technology appraisal/assessment service for..... (name of the sector and field require the amendments).

We hereby commit to fully implement the law regulations on the provision of technology appraisal/assessment service and other related laws. Also, we will take all responsibility before the law for the information declared above./.

**DIRECTOR OF THE ORGANIZATION**  
(Signature, stamp)

<sup>1</sup> Specify the name of the service if the application requests the Certificate of such service (e.g: "Application form for the Certificate of eligibility to provide technology appraisal."

<sup>2</sup> Specify the sector (e.g: health sector, construction sector, industry and trade sector, transport sector, etc.).

<sup>3</sup> Specify as follows: Chemistry/Biology/Physico-mechanical/Pharmacy/Electricity— Electronic/Construction Materials/Biological Safety, etc.). If there are multiple data, the organization shall specify them in an enclosed Appendix.

<sup>4</sup> Specify the sector (e.g: health sector, construction sector, industry and trade sector, transport sector, etc.).

<sup>5</sup> Specify as follows: Chemistry/Biology/Physico-mechanical/Pharmacy/Electricity— Electronic/Construction Materials/Biological Safety, etc.). If there are multiple data, the organization shall specify them in an enclosed Appendix.

**Form No. 05**

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom - Happiness**

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*Province (city), date.....*

**APPLICATION FORM FOR THE RE-ISSUANCE OF THE CERTIFICATE OF ELIGIBILITY TO PROVIDE TECHNOLOGY APPRAISAL/ASSESSMENT SERVICE**

To:.....

1. Name of the organization: .....

2. Address: .....

Telephone: Fax: E-mail: .....

3. Has been issued with the Certificate of eligibility to provide technology appraisal/assessment service No. ....date ...../...../20.....of (name of the issuing agency) in the sector .....<sup>2</sup>, and the field of .....

4. Reasons for requesting the re-issuance of the Certificate of eligibility to provide technology appraisal/assessment service: .....

5. Attached documents:

- .....

Request (name of the agency issuing the Certificate) to consider and issue the above Certificate of eligibility to provide technology appraisal/assessment service for..... (Name of the organization).

We hereby commit to fully implement the law regulations on the provision of technology appraisal/assessment service and other related laws. Also, we will take all responsibility before the law for the information declared above./.

**DIRECTOR OF THE ORGANIZATION**

(Signature, stamp)

<sup>1</sup> Specify the name of the service if the application requests the Certificate of such service (e.g: "Application form for the re-issuance of the Certificate of eligibility to provide technology assessment service").

<sup>2</sup> Specify the sector (e.g: health sector, construction sector, industry and trade sector, transport sector, etc.).

<sup>3</sup> Specify as follows: Chemistry/Biology/Physico-mechanical/Pharmacy/Electricity—Electronic/Construction Materials/Biological Safety, etc.). If there are multiple data, the organization shall specify them in an enclosed Appendix.

**Form No. 06**

**(NAME OF AGENCY ISSUING THE CERTIFICATE)**

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No:.....

**SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom - Happiness**

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*Province (city), date.....*

**CERTIFICATE OF ELIGIBILITY TO PROVIDE TECHNOLOGY APPRAISAL/ASSESSMENT SERVICE**

Pursuant to the Government's Decree No...../2018/ND-CP dated .....2018 on providing guidelines for certain Articles of the Law on Technology Transfer.

Pursuant to eth Decree/Decision No.....on defining functions, tasks, powers and organizational structure of (name of the agency issuing the Certificate).

Consider the request of (name of the unit assigned to appraise the documents) and/or (name of the agency issuing the Certificate):

1. (Name of the technology appraisal/assessment organization) .....

2. Address: .....

Telephone: Fax:..... E-mail: .....

Is eligible to provide technology appraisal/assessment service in the sector.....<sup>2</sup>, and the field of .....<sup>3</sup>

2. Registration No.: .....

**DIRECTOR OF ISSUING AGENCY**

(Signature, stamp)

<sup>1</sup> Specify the name of the service if the application requests the Certificate of such service (e.g: "Application form for the Certificate of eligibility to provide technology assessment service").

<sup>2</sup> Specify the sector (e.g: health sector, construction sector, industry and trade sector, transport sector, etc.).

<sup>3</sup> Specify as follows: Chemistry/Biology/Physico-mechanical/Pharmacy/Electricity—Electronic/Construction Materials/Biological Safety, etc.). If there are multiple data, the agency issuing the Certificate shall specify them in an enclosed Appendix.

ORGANIZATION NAME: .....

**LIST OF TECHNOLOGY APPRAISERS/ASSESSORS OF THE ORGANIZATION**

List of technology appraisers/assessors (for the organization that provides technology appraisal/assessment service)

No.	Full name/ date of birth	Specialty	Experience (Number of years)	Experience in providing technology appraisal/assessment service (number of services)	Signed Cooperation Agreement or Signed Recruitment Decision or Signed Contract	Sector and field in which the technology appraisal/assessment is carried out at the organization	Note
1							
2							
...							

(Organization name) enclosed with documents proving the potential of..... (Technology appraiser/assessor) who satisfy the requirements specified in the Government's Decree No. ....../2018/ND-CP dated.....2018. The Organization hereby commit that the information declared above is true and will take all responsibility before the law for such declared information./.

Dated.....

**DIRECTOR OF THE ORGANIZATION**  
(Signature, stamp)

**SOCIALIST REPUBLIC OF VIETNAM**  
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**SUMMARY OF THE EXPERIENCE OF TECHNOLOGY APPRAISERS/ASSESSORS**

1. Full name: .....

Address: .....

Telephone: Fax:..... E-mail: .....

2. Employment history:

No.	Time	Specialized tasks	Company

3. Experience in the field of technology appraisal/assessment:

No.	Time	Name of the organization or enterprise which carry out the appraisal/assessment service	Address, telephone, Fax number, representative of the organization or enterprise	The field of technology appraisal/assessment	Results from technology appraisal/assessment
	From year.....to year.....				
	From year.....to year.....				

Other information: .....

We hereby commit that the above information is true and will take all responsibility before the law for the information declared above./.

Date.....  
**DECLARANT**  
(Signature, full name)

<sup>1</sup> Specify the name of the service being registered (e.g: "Summary of the experience of technology appraisers").

**Form No. 9**

(SUPERVISORY AGENCY  
NAME<sup>1</sup>) (NAME OF THE  
TECHNOLOGY  
APPRAISAL/ASSESSMENT  
ORGANIZATION)  
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**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom - Happiness**  
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Province (city), date.....

**REPORT ON THE PROVISION OF TECHNOLOGY OF APPRAISAL/ASSESSMENT**

(From date..... to date...)

To: Ministry of Science and Technology

1. Name of the technology appraisal/assessment organization: .....
2. Address: .....
3. Telephone: Fax:..... E-mail: .....
4. Operation process

(Name of the technology appraisal/assessment organization) reports the process of technology appraisal/assessment from (date) .....to (date).....as follows:

'Technology appraisers/assessors:

Target	Quantity	
	Report period	Same period in the previous year
Total number of technology appraisers/assessors		

Enclosed with the list of technology appraisers/assessors who participated in providing technology appraisal/assessment service at the organization.

b. Technology appraisal/assessment service provided during the report period:

- Name of the sector.....<sup>3</sup>, in the field of.....<sup>4</sup> which has been appraised/assessed.
- Quantity (in accordance with each sector or each specialized field), contents of the activities which receive technology appraisal/assessment service: .....

5. Suggestions (if any)

a. Problems that occur during the process of technology appraisal/assessment: .....

b. Suggestions provided to the competent authorities for improving the quality of technology appraisal/assessment service: .....

(Name of the technology appraisal/assessment organization) hereby reports the above information to the Ministry of Science and Technology.

**DIRECTOR OF THE ORGANIZATION**  
(Signature, stamp)

<sup>1</sup> Specify the name of the supervisory agency (if any)

<sup>2</sup> Specify the name of the service being reported (e.g: Report on the provision of technology assessment).

<sup>3</sup> Specify the sector (e.g: health sector, construction sector, industry and trade sector, transport sector, etc.).

<sup>4</sup> Specify as follows: Chemistry/Biology/Physico-mechanical/Pharmacy/Electricity—Electronic/Construction Materials/Biological Safety, etc.).

**Form No. 10**

PEOPLE'S COMMITTEE OF THE  
PROVINCE .....  
**DEPARTMENT OF SCIENCE  
AND TECHNOLOGY**  
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**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom - Happiness**  
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No: ...../.....

*date*.....

**REPORT ON TECHNOLOGY TRANSFER REGISTRATION PROCESS**

**(from (date).....to (date).....)**

Implement the regulations of the Decree No. ....../2018/ND-CP dated .....on providing guidelines for certain Articles of the Law on Technology Transfer, the Department of Science and Technology hereby sends the report on the registration process of technology transfer to the Ministry. Such process is carried out from ..... to.....as follows:

1. The Agreement is issued with a Technology Transfer Registration Certificate:
  - a. Total quantity:
  - b. Total quality (exchange to VND):
2. The Agreement is issued with the Certificate for amending the technology transfer:
  - a. Total quantity:
  - b. Total quality (exchange to VND):
3. The Agreement is issued with a Technology Transfer Extension Certificate:
  - a. Total quantity:
  - b. Total quality (exchange to VND):

Details of the technology transfer agreements which receive the Certificates shall be enclosed with this Official Dispatch.

4. Problems that occur during the implementation process and suggestions (if any):

The above report shall be sent to the Department of Science and Technology for summarization./.

**DIRECTOR**  
(Signature, stamp)

**DEPARTMENT OF SCIENCE AND TECHNOLOGY:.....**

**DETAILS OF THE TECHNOLOGY TRANSFER AGREEMENTS WHICH RECEIVED THE CERTIFICATES**

(from (date).....to (date).....)

Enclosed with the Official Dispatch No. ....../.....date.....

1. For the technology transfer agreement which is issued with a new Technology Transfer Registration Certificate:

N o.	Name of the agreement	Transferor (name, address)	Receiver (name, address)	Total value of the transferred technology (exchange to VND)	Form of transfer (investment project/independent sale and purchase/other forms (specify the names of other forms)):	Transferred technologies	The transferred technology's field:	Products of transferred technologies	Term of the Agreement	Registration No. .../date of issue
1										
2										
...										

2. For the technology transfer agreements which receive the Certificate for amending technology transfer:

N o.	Name of the Agreement	Transferor (name, address)	Receiver (name, address)	Total value of the transferred technology (exchange to VND)	Form of transfer (investment project/independent sale and purchase/other forms (specify the names of other forms)):	Transferred technologies	The transferred technology's field:	Products of transferred technologies	Term of the Agreement	Registration No. .../date of issue
1										
2										
...										

3. For the technology transfer agreements which receive the Technology Transfer Extension Certificate:

N o.	Name of the Agreement	Transferor (name, address)	Receiver (name, address)	Total value of the transferred technology (exchange to VND)	Form of transfer (investment project/independent sale and purchase/other forms (specify the names of other forms)):	Transferred technologies	The transferred technology's field:	Products of transferred technologies	Term of the Agreement	Registration No. .../date of issue
1										
2										
...										

**Note:** The value of the technology transfer agreement must be exchanged to VND.

REPORTING AGENCY NAME

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom - Happiness

No:.....

Date.....

**REPORT ON THE ISSUANCE OF CERTIFICATES OF ELIGIBILITY TO PROVIDE TECHNOLOGY APPRAISAL/ASSESSMENT SERVICE**

(From (date).....to (date).....)

To: Ministry of Science and Technology

Implement the regulations of the Decree No. ....../2018/ND-CP dated .....on providing guidelines for certain Articles of the Law on Technology Transfer, (name of the reporting agency) hereby sends the report on the issuance of Certificates of eligibility to provide technology appraisal/assessment service, to the organizations. Such process is carried out from ..... to.....as follows:

1. The organizations which are issued with the Certificate of eligibility to provide technology appraisal/assessment service:

No.	Organization's name:	Address (address, phone number, email, website, etc.)	Technology appraisal		Technology assessment	
			No. of registration document .../date of issue	Field	No. of registration document .../date of issue	Field
1						
2						
...						

2. The organizations which are permitted to amend the Certificate of eligibility to provide technology appraisal/assessment service:

No.	Organization's name:	Address (address, phone number, email, website, etc.)	Technology appraisal		Technology assessment	
			No. of registration document .../date of issue	Field	No. of registration document .../date of issue	Field
1						
2						
...						

3. The organizations which are issued with a new Certificate of eligibility to provide technology appraisal/assessment service:

No.	Organization's name	Address (address, phone number, email, website, etc.)	Technology appraisal		Technology assessment	
			No. of registration document .../date of issue	Field	No. of registration document .../date of issue	Field
1						
2						
...						

4. Problems that occur during the implementation process and suggestions (if any):

The above report shall be sent to the Department of Science and Technology for summarization./.

**DIRECTOR OF THE ORGANIZATION**  
(Signature, stamp)