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Independence - Freedom - Happiness

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LAW

CINEMATOGRAPHY

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

This Law provides for cinematography.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for cinematographic organization and activities; and rights and responsibilities of organizations and individuals engaged in cinematographic activities.

Article 2. Subjects of application

This Law applies to organizations and individuals engaged in cinematographic activities as well as organizations and individuals involved in cinematographic activities in Vietnam.

Article 3. Application of the Cinematography Law

1. Cinematographic activities and management of cinematographic activities shall comply with the provisions of this Law and other relevant laws.

2. When treaties to which the Socialist Republic of Vietnam is a contracting party contain provisions different from those of this Law, the provisions of those treaties shall apply.

Article 4. Interpretation of terms

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

1. Cinematography means a combined form of art expressed through moving images accompanied by sounds recorded on celluloid film, magnetic tape or disc and other image-recording materials for dissemination to the public by means of technical equipment.

2. Cinematographic work means an art product expressed through moving images accompanied by sounds and other means on the principle of cinematographic language.

3. Film means a cinematographic work, including feature film, documentary, scientific film and animated cartoon.

Celluloid film means a film produced with cinematographic equipment and techniques and recorded on celluloid material for screening by projectors.

Video film mean a film produced with video equipment and techniques and recorded on magnetic tape or disc and other image-recording materials for transmission through video equipment.

Television film means a video film for television broadcast.

Film tape or film disc means product of a video film or product dubbed from a celluloid film.

4. Screenplay means a creative work of screenwriters in the form of text detailing the whole development of a film story.

5. Shooting script mean a creative work of film directors in the form of text showing professional techniques and methods of shooting scenes of a film based on the screenplay.

6. Cinematographic activities mean activities of producing, distributing and disseminating films.

7. Film production means the process of creating a cinematographic work from a screenplay till the completion of the film.

8. Film distribution means the process of circulating films in the forms of sale, rental, export and import.

9. Film dissemination means the introduction of films to the public by means of projection, broadcasting on television, or posting on the Internet and other audiovisual media.

10. Cinematographic establishment means an establishment set up by organizations or individuals and operating in the domain of film production, distribution and dissemination under the provisions of this Law and other relevant laws.

11. Film production service establishment means a cinematographic establishment supplying facilities and technical equipment, backdrops and human resources for film production.

12. Film owner means an organization or individual making financial investment in film production or purchase of film copyright; being granted, donated, bequeathed film copyright or otherwise as provided for by law.

Article 5. State policies on cinematographic development

1. To invest in building an advanced cinematography with strong national identity, modernize the cinema industry, improve film quality, expand the scale of film production and dissemination, meeting people's increasing spiritual demands, contributing to socio-economic development and expansion of cultural exchanges with other countries.

2. To encourage all organizations and individuals to engage in cinematographic activities in accordance with law; and ensure equality for cinematographic establishments in operation and enjoyment of credit, tax and land preference policies.

3. To make concentrated and priority investments under target programs on cinematographic development with a view to bringing into play art creativity; to enhance scientific research into, and application of modern technologies to, cinematographic activities; to train and retrain personnel in professional skills and management of cinematographic activities; and improve material and technical facilities for film production and dissemination.

4. To finance the production of feature films on children, historical traditions, and ethnic minority groups; documentaries, scientific films and animated cartoons.

5. To finance the dissemination of films in service of mountainous, island, deep-lying, remote and rural areas; children and people's armed forces; and socio-political and foreign-relation tasks; to organize and participate in national and international film festivals.

6. In urban plannings there must be land areas set aside for construction of cinemas

Article 6. Cinematographic Development Assistance Fund

1. The Cinematographic Development Assistance Fund shall be set up and used for the following activities:

a/ Rewarding films of high ideological and art values;

b/ Supporting the production of experimental art films and directors' first films which are selected for production;

c/ Supporting other activities for cinematographic development.

2. The Cinematographic Development Assistance Fund is established from state budget supports and financial assistance from domestic and foreign organizations and individuals.

The Government shall specify the establishment and operation of the Cinematographic Development Assistance Fund.

Article 7. Protection of copyright on and ownership of works

The State shall protect copyright and related rights on and ownership of works of cinematographic work owners under the Civil Code and the Intellectual Property Law.

Article 8. Contents of state management of cinematography

1. To formulate, and organize the implementation of, policies, strategies, plannings and plans on cinematographic development; and promulgate legal documents on cinematographic activities.

2. To manage scientific research into, and technological application to, cinematographic activities; to train and re-train personnel in professional skills and management of cinematographic activities.

3. To manage international cooperation in cinematographic activities.

4. To grant and withdraw permits and licenses for cinematographic activities.

5. To perform commendation work in cinematographic activities; to select and award prizes to individuals and cinematographic works.

6. To inspect, supervise and settle complaints and denunciations and handle violations of the law in cinematographic activities.

Article 9. Agencies performing the state management of cinematography

1. The Government shall perform the unified state management of cinematography nationwide.

2. The Ministry of Culture and Information shall assist the Government in performing the unified state management of cinematography.

3. Ministries and ministerial-level agencies shall coordinate with the Ministry of Culture and Information in performing the state management of cinematography according to their respective competence.

4. Provincial/municipal People's Committees (collectively referred to as provincial-level People's Committees) shall perform the state management of cinematography in their localities within the scope of their tasks and powers.

Article 10. Complaints and denunciations in cinematographic activities

Complaints and denunciations and the handling of complaints and denunciations in cinematographic activities shall comply with the provisions of law on complaints and denunciations.

Article 11. Prohibited acts in cinematographic activities

1. To spread propaganda against the State of the Socialist Republic of Vietnam; to undermine the great national unity.
2. To conduct propaganda about and incite wars of aggression, to sow hatred among nations and peoples; to incite violence; to spread reactionary ideas, obscene and depraved lifestyle, criminal acts, social evils, superstition, to undermine fine traditional habits and customs.
3. To disclose the State's and the Party's secrets; military, security, economic, and foreign-relation secrets; personal privacy and other secrets in accordance with law.
4. To distort historical truths, to negate revolutionary achievements; to offend the nation, national great persons and heroes; to slander and offend the prestige of agencies and organizations or the honor and dignity of individuals.

Chapter II

CINEMATOGRAPHIC ESTABLISHMENTS

Article 12. Cinematographic establishments

1. Cinematographic establishments include:

- a/ Film-producing establishments;
- b/ Film production service establishments;
- c/ Film-dubbing and -reproducing establishments;
- d/ Film-selling and -leasing establishments;
- e/ Film-exporting and -importing establishments;
- f/ Film projection establishments;
- g/ Other cinematographic establishments as provided for by law.

2. Cinematographic establishments shall operate in the form of cinematographic enterprises or non-business cinematographic units.

Cinematographic enterprises shall operate in accordance with this Law, the Enterprise Law and other relevant laws.

Non-business cinematographic units shall be organized and operate in accordance with this Law and the Government's regulations.

Article 13. Establishment and management of cinematographic enterprises

1. Vietnamese organizations and individuals residing in Vietnam may establish and manage film production, distribution or projection enterprises in Vietnam in accordance with this Law and the Enterprise Law.

2. Foreign organizations and individuals and overseas Vietnamese may establish and manage film distribution or projection enterprises in Vietnam in accordance with this Law and the Enterprise Law.

Article 14. Conditions for establishment of cinematographic enterprises

1. Conditions for establishment of a cinematographic enterprise are as stipulated in the Enterprise Law.

2. Apart from the establishment conditions required by the Enterprise Law, a film production enterprise must have a certificate of full satisfaction of business conditions granted by the Ministry of Culture and Information.

Conditions for acquiring a certificate of full satisfaction of business conditions include:

a/ Having legal capital as stipulated for by the Government;

b/ Having the director or general director who is a Vietnamese citizen permanently residing in Vietnam.

3. The dossier of application for a certificate of full satisfaction of business conditions of a film production establishment comprises:

a/ An application for a certificate;

b/ Written certification of the film production enterprise's legal capital, issued by a competent organization or agency;

c/ A copy of the paper certifying the permanent residence in Vietnam of the nominated director or general director of the film production enterprise.

Within thirty days after the date of receipt of complete and valid dossiers, the Ministry of Culture and Information shall grant the certificates, in case of refusal, it shall reply in writing, clearly stating the reasons therefor.

Article 15. Criteria and conditions for acting as directors or general directors of cinematographic enterprises

1. Satisfying the criteria and conditions provided for by the Enterprise Law.

2. Having professional capability and practical experience in cinematographic activities.

3. Apart from the criteria prescribed in Clauses 1 and 2 of this Article, directors or general directors of film production enterprises must meet the conditions specified at Point b, Clause 2, Article 14 of this Law.

Article 16. Registration for establishment of cinematographic enterprises

1. Organizations and individuals establishing cinematographic enterprises shall complete the establishment procedures as provided for in the Enterprise Law and this Law.

2. Within seven working days after the date of issuance of a business registration certificate, the business registration agency shall send a copy of the certificate to a competent cinematography state management agency.

3. When changing the name or address of its headquarters, branch or representative office (if any), or business objectives and business lines, the enterprise owner's investment capital, the

enterprise's representative at law or other issues in the contents of the dossier of application for business registration, the cinematographic enterprise's director or general director shall notify the competent cinematography state management agency thereof within seven working days as from the date of registration with the business registration agency.

Article 17. Business cessation, division, separation, consolidation, merger, transformation, dissolution or bankruptcy of cinematographic enterprises.

1. Business cessation, division, separation, consolidation, merger, transformation or dissolution of cinematographic enterprises shall comply with the provisions of the Enterprise Law; and bankruptcy of cinematographic enterprises shall comply with the provisions of the Bankruptcy Law.

2. In the course of handling issues concerning business cessation, division, separation, consolidation, merger, transformation, dissolution or bankruptcy of cinematographic enterprises within their competence, the business registration agencies shall coordinate with competent cinematography state management agencies in handling relevant issues and notify the latter of the handling results within seven working days after the date of issuance of the handling decisions.

Chapter III

FILM PRODUCTION

Article 18. Rights and responsibilities of film production enterprises

1. To do business in accordance with the registered contents.

2. To cooperate and enter into joint ventures with domestic or foreign organizations and individuals to produce films; the cooperation and joint venture with foreign organizations or individuals shall strictly comply with the contents of licenses granted by the Ministry of Culture and Information.

3. To provide film production services for domestic and foreign organizations and individuals; the provision of film production services for foreign organizations and individuals shall strictly comply with the contents of licenses granted by the Ministry of Culture and Information.

4. To submit films for deposit and archive.

Article 19. Rights and responsibilities of directors or general directors of film production enterprises

1. To organize business in accordance with the registered contents.

2. To draw up, and organize the implementation of, annual film production plans.

3. To manage the organization, personnel and material and technical facilities of their film production enterprises.

4. To select screenplays.

5. To sign contracts with organizations or individuals that order film production, and with screenwriters, directors and other members of film crews.

6. To apply for permits prior to the dissemination of films.

7. To be answerable before law for the contents of films.

8. To observe regulations on copyright and related rights.

9. To exercise other rights and perform other responsibilities as provided for by law.

Article 20. Rights and responsibilities of screenwriters, directors and other members of film crews

1. The rights and responsibilities of screenwriters, directors and other members of film crews shall be performed under contracts signed with directors or general directors of film production enterprises.

2. Contracts between screenwriters, directors and other members of the film crews and directors or general directors of film production enterprises shall be signed and performed on the basis of mutual agreement and must not be contrary to law.

Article 21. Rights and responsibilities of film production service enterprises

1. To do business in accordance with the registered contents.

2. To cooperate and enter into joint ventures with domestic or foreign organizations or individuals to provide film production services.

2. To provide film production services for domestic and foreign organizations and individuals under contracts; the provision of film production services for foreign organizations and individuals shall strictly comply with the contents of licenses granted by the Ministry of Culture and Information.

Article 22. Rights and responsibilities of directors or general directors of film production service enterprises

1. To organize business in accordance with the registered contents.

2. To draw up and organize the implementation of annual plans.

3. To manage the organization, personnel and material and technical bases of film production service enterprises.

4. To exercise other rights and perform other responsibilities as provided for by law.

Article 23. Grant of licenses for cooperation or joint venture in film production, or the provision of film production services for foreign organizations and individuals.

1. The cooperation and joint venture in film production with foreign organizations or individuals, and the provision of film production services for foreign organizations or individuals must be licensed by the Ministry of Culture and Information.

2. For film production enterprises and film production service enterprises, a dossier of application for a license comprises:

a/ An application for the license;

b/ The screenplay in Vietnamese and a foreign language.

3. Within thirty days after the date of receipt of complete and valid dossiers, the Ministry of Culture and Information shall grant the license in case of refusal, it shall reply in writing, clearly stating the reason therefor.

Article 24. Production of ordered films

1. Organizations and individuals ordering film production are investors of film production projects.
2. Film production project investors ordering film production according to their screenplays shall bear joint responsibility with directors or general directors of film production enterprises for the film contents.
3. For films ordered and funded with the state budget, the film production project investors shall select screenplays on the basis of comments of the screenplay appraisal council and select film production enterprises in accordance with the Bidding Law. The screenplay appraisal councils set up by film production project investors shall appraise screenplays in order to give advice thereon to the investors.
4. Film production project investors shall provide funds and implement other provisions of contracts signed with film production enterprises.
5. Directors or general directors of film production enterprises shall properly perform contracts signed with film production project investors and shall take responsibility before law for the film contents.

Article 25. Production of television films

The general director of Vietnam Television and directors of radio-television stations of provinces and centrally run cities (hereinafter referred to as provincial-level radio-television stations) shall decide on investment in, and organization of, film production for broadcasting on their respective television stations in accordance with law.

Chapter IV

FILM DISTRIBUTION

Article 26. Rights and responsibilities of film distribution enterprises

1. To do business in accordance with the registered contents.
2. To exchange films and cooperate and enter into joint ventures with domestic and foreign organizations and individuals for film distribution.

Article 27. Rights and responsibilities of directors or general directors of film distribution enterprises

1. To organize business in accordance with the registered contents.
2. To manage the organization, personnel and material and technical facilities of film distribution enterprises.
3. To exercise other rights and perform other responsibilities as provided for by law.

Article 28. Sale and rental of films

1. Organizations and individuals may sell and rent celluloid films, film tapes and discs, and open shops or act as agents to sell, rent film tapes and discs in accordance with the Enterprise Law and this Law.
2. Only celluloid films and film tapes and discs with dissemination permits granted by a competent cinematography state management agency or with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television

stations can be sold or rented; film tapes and discs must be stuck with control stamps of the Ministry of Culture and Information.

Article 29. Dubbing and reproduction of films

1. Organizations and individuals may do business in dubbing and reproducing celluloid films, film tapes and discs under the provisions of the Enterprise Law and this Law.

2. Only celluloid films, film tapes and discs with dissemination permits granted by a competent cinematography state management agency or with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations can be dubbed or reproduced for distribution. Dubbing and reproduction of celluloid films, film tapes and discs shall be made under contracts signed with film owners.

Article 30. Import and export of films

1. Organization importing or exporting films shall comply with the following regulations:

a/ To be-exported films must be those with dissemination permits granted by a competent cinematography state management agency.

To be-exported films produced by Vietnam Television must be those with broadcasting decisions issued by the general director of Vietnam Television; to be-exported films produced by provincial-level radio-television stations must be those with dissemination permits granted by a competent cinematography state management agency.

To be-exported film tapes and discs must be stuck with control stamps of the Ministry of Culture and Information.

b/ Imported films must be those with lawful copyright and not violate the provisions of Article 11 of this Law.

2. Film distribution enterprises and other enterprises having business registration for film import and export business must have cinemas to disseminate films.

3. Film production enterprises may import and export films. The number of imported films each year must not exceed two times that of films produced by the enterprises.

4. Film projection enterprises may import films for dissemination.

5. Vietnam Television and provincial-level radio-television stations may export their own films and import films for television broadcast. The number of imported films must not exceed two times that produced by Vietnam Television itself or provincial-level radio-television stations themselves.

6. Non-business units may import films for internal circulation in service of their work; their heads shall take responsibility for the contents, management and use of such imported films.

7. Scientific research institutions may import films in service of scientific research in accordance with their respective functions and tasks; their heads shall take responsibility for management and use of imported films.

Article 31. Households dubbing, reproducing, selling and renting films

1. Households dubbing, reproducing, selling and renting films which regularly employ ten or more laborers shall register for enterprise establishment and operation in accordance with this Law and the Enterprise Law.

2. Households dubbing, reproducing, selling and renting films on a small scale and regularly employing less than ten laborers shall make business registration and operate in accordance with this Law and the Government's regulations.

Chapter V

FILM DISSEMINATION

Article 32. Rights and responsibilities of film projection establishments

1. To do business in accordance with the registered contents.
2. To meet technical standards for cinema houses according to regulations of the Ministry of Culture and Information.
3. To cooperate and enter into joint ventures with domestic or foreign organizations and individuals for film projection.

Article 33. Rights and responsibilities of directors or general directors of film projection establishments

1. To organize business in accordance with the registered contents.
2. To manage the organization, personnel and material and technical facilities of their film projection establishments.
3. To organize the projection of films with dissemination permits granted by a competent cinematography state management agency or with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations.
4. To ensure the ratio of screening of Vietnamese films to foreign ones, the time for Vietnamese film screening, and the time volume and time for screening children's films in accordance with the Government's regulations.
5. To ensure security, order and safety for audience.
6. To exercise other rights and perform other responsibilities as provided for by law.

Article 34. Mobile film projection

1. The State shall adopt policies on investment in film projecting equipment and means of transport and provide funds for the operation of mobile film projection teams set up by provincial-level People's Committees, People's Committees of districts, towns or provincial cities (hereinafter referred to as district-level People's Committees), and armed force units in service of film projection in rural, mountainous, island, deep-lying, remote or ethnic minority areas and for people's armed forces.
2. The State shall finance mobile film projection teams with 100% of the cost for film projection in mountainous, island, deep-lying, remote or ethnic minority areas and for the people's armed forces; and 50-80% of the cost for film projection in rural areas.
3. Private film projection establishments providing mobile film projection services in rural, mountainous, island, deep-lying, remote or ethnic minority areas at the request of provincial-

level or district-level People's Committees shall be paid with film projection costs as state-run film projection establishments.

Article 35. Film broadcast on television

Film broadcast on television shall comply with the following regulations:

1. Broadcast films must be those with dissemination permits granted by a competent cinematography state management agency or with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations;
2. The ratio of the time volume for broadcasting Vietnamese films to that for foreign films, the time for broadcasting Vietnamese films, the time volume and time for broadcasting children's films shall comply with the Government's regulations.

Article 36. Dissemination of films on the Internet and exploitation of films from satellites

The dissemination of films on the Internet and the exploitation of films from satellites shall comply with the provisions of this Law and other relevant laws.

Article 37. Permits for film dissemination

1. Vietnamese films produced by film production establishments and imported films may only be distributed and disseminated when they have dissemination permits granted by a competent cinematography state management agency.
2. A dossier of application for a film dissemination permit comprises:
 - a/ An application for the permit;
 - b/ The film copyright certificate.

Within fifteen days after the date of receipt of complete and valid dossiers and the films submitted for approval, the competent cinematography state management agency shall grant the permits; in case of refusal, it shall reply in writing, clearly stating the reason therefor.

3. Films produced or imported by Vietnam Television or provincial-level radio-television stations and decided for broadcasting on Vietnam Television or provincial-level radio-television stations may be disseminated nationwide.

Article 38. Competence to grant film dissemination permits

1. Competence to grant film dissemination permits is provided for as follows:

a/ The Ministry of Culture and Information shall grant film dissemination permits to films produced or imported by central or local cinematographic establishments or private cinematographic establishments in the whole country, unless provincial-level People's Committees are assigned by the Government to grant those permits;

b/ Based on the quantity of domestically made and imported films of municipally or provincially run cinematographic establishments, the Government shall authorize provincial/municipal People's Committees to grant dissemination permits for films produced or imported by their local film production establishments or private cinematographic establishments and for to be-exported films produced by provincial-level radio-television stations and having broadcasting decisions issued by directors of provincial-level radio-television stations;

c/ The general director of Vietnam Television and directors of provincial-level radio-television stations are entitled to autonomy and accountability in deciding on the broadcasting of their own films or imported films on their respective television stations.

2. The Ministry of Culture and Information may withdraw film dissemination permits or television broadcast decisions; suspend or stop the dissemination of films that violate the provisions of Article 11 of this Law.

3. The grant of film dissemination permits and issuance of decisions on broadcasting films on television shall be effected on the basis of opinions of film appraisal councils.

Article 39. Film appraisal councils

1. Competence to establish film appraisal councils is provided for as follows:

a/ Central-level film appraisal councils shall be established by the Minister of Culture and Information;

b/ Provincial-level film appraisal councils shall be established by presidents of provincial-level People's Committees;

c/ Film appraisal councils of Vietnam Television shall be established by the general director of Vietnam Television; film appraisal councils of provincial-level radio-television stations shall be established by the stations' directors.

2. Film appraisal councils shall appraise films to give advice to the heads of the agencies having decided to establish the film appraisal councils on whether to disseminate films and how to classify films for dissemination according to different age groups.

3. A film appraisal council consists of five or more members, including the representative of the agency having decided on its establishment, directors, screenwriters and other members.

Article 40. Film advertisement

1. Film advertisement includes advertisement about films and advertisement in films.

2. Advertisement about films is provided for as follows:

a/ Film production enterprises, Vietnam Television, and provincial-level radio-television stations may introduce information on films in the course of preparation and production thereof;

b/ Film production enterprises, Vietnam Television and provincial-level radio-television stations shall not project the full contents of films for advertisement when they have not yet acquired permits for dissemination of such films from a competent cinematography state management agency or broadcasting decisions from the general director of Vietnam Television or directors of provincial-level radio-television stations.

3. Advertisement in films shall comply with the advertisement law.

Article 41. Organization of and participation in film festivals and film fairs

1. Organization of national film festivals, specialized film festivals, theme film festivals and international film festivals is provided for as follows:

a/ The Ministry of Culture and Information shall organize national film festivals on a regular basis and international film festivals in Vietnam;

b/ Ministries, ministerial-level agencies and government-attached agencies, provincial-level People's Committees, and the Cinematographic Association may organize specialized film festivals and theme film festivals with approval of the Ministry of Culture and Information;

c/ Film production establishments may participate in film festivals;

d/ Films for participation in film festivals must be those with dissemination permits issued by a competent cinematography state management agency or with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations;

e/ Vietnamese and foreign organizations and individuals may only show foreign films introduction in Vietnam after they get the Ministry of Culture and Information's approval.

2. Participation in international film festivals or fairs and organization of Vietnamese film days overseas are provided for as follows:

a/ Film production, distribution or dissemination establishments, Vietnam Television and provincial-level radio-television stations may participate in international film festivals or fairs and organize Vietnamese film days overseas.

b/ Films for participation in international film festivals or fairs, or in Vietnamese film days overseas must be those with dissemination permits granted by a competent cinematography state management agency or with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations;

c/ The organization of Vietnamese film days overseas is subject to approval by the Ministry of Culture and Information.

3. Applications for organization of specialized or theme film festivals, Vietnamese film days overseas; or introduction of foreign films in Vietnam must specify the purposes, scope, time, and venue of the events, and lists of films and participants.

Within fifteen days after the date of receipt of applications, the Ministry of Culture and Information shall issue written replies on its approval or disapproval; in case of disapproval, it shall clearly state the reason therefor.

Article 42. Organization of television film festivals

1. Vietnam Television shall organize national television film festivals and international television film festivals in Vietnam.

2. Provincial-level radio-television stations may organize television film festivals with the Ministry of Culture and Information's approval. Approval procedures shall comply with the provisions of Clause 3, Article 41 of this Law.

3. Films for participation in television film festivals must be those with broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations.

Article 43. Foreign cinematographic establishments' representative offices in Vietnam

1. The opening of representative offices of foreign cinematographic establishments in Vietnam shall comply with the provisions of Vietnamese law and be licensed by the Ministry of Culture and Information.

2. A dossier of application for a license to open a representative office of a foreign cinematographic establishment in Vietnam comprises:

a/ An application for opening of a representative office, which specifies the representative office's purposes, tasks, scope of operation, headquarters and director and the commitment to strictly observe the provisions of Vietnamese law;

b/ The document certifying the legal person status of the foreign cinematography establishment, issued by a competent foreign agency.

3. Within thirty days after the date of receipt of complete and valid dossiers, the Ministry of Culture and Information shall issue the licenses; in case of refusal, it shall reply in writing, clearly stating the reason therefor.

4. Foreign cinematographic establishments' representative offices in Vietnam may introduce their cinematographic activities in accordance with Vietnamese law.

Article 44. Overseas representative offices of Vietnamese cinematographic establishments.

1. The opening of overseas representative offices of Vietnamese cinematographic establishments is subject to approval by the Ministry of Culture and Information.

2. A dossier of application for opening of an overseas representative office of a Vietnamese cinematographic establishment comprises:

a/ An application for opening of a representative office, which specifies the representative office's purposes, tasks, scope of operation, headquarters and director and the commitment to strictly observe the laws of Vietnam and the host country;

b/ The document approving the opening of a representative office issued by a competent state management agency of the host country.

3. Within thirty days after the date of receipt of complete and valid dossiers, the Ministry of Culture and Information shall issue written replies on its approval or disapproval, in case of disapproval, it shall clearly state the reason therefor.

Chapter VI

DEPOSIT AND ARCHIVE OF FILMS

Article 45. Film deposit

1. Film production establishments and film-importing establishments shall deposit a copy of each film at the agency granting film dissemination permits.

2. A film shall be deposited in the form of material on which it is made.

3. For imported celluloid films, film-importing establishments shall deposit the tapes or discs on which the films submitted for approval are dubbed.

4. Within twelve months after the date a film is granted a dissemination permit, the film depository agency specified in Clause 1 of this Article shall submit the deposited film to the film archive establishment.

Article 46. Film archive

1. Within six months after the date a film is granted a dissemination permit, establishments producing films with the state budget shall submit to the film archive establishment original materials of the films, including visual original, sound original, screenplay and enclosed documents.

2. The Ministry of Culture and Information's film archive establishment shall store films of cinematographic establishments under the Ministry of Culture and Information and films of ministries, branches and localities having permits for dissemination in the film projection network.

3. Film archive establishments of ministries or branches shall store films for internal circulation; scientific research institutions shall store their films.

4. Film archive establishments of Vietnam Television and provincial-level radio-television stations shall store their respective films.

Article 47. Rights and obligations of film archive establishments

1. To ensure the safety of films and their original materials and preserve them in accordance with technical requirements.

2. To organize the exploitation of archive films, provide copies or record or extract materials for film production establishments having films stored in accordance with law.

3. To cooperate with domestic and foreign organizations and individuals in preserving, storing, restoring and exploiting films.

4. To buy cinematographic works of domestic and international values in service of research, training and study.

5. Apart from the rights and obligations prescribed in Clauses 1,2,3 and 4 of this Article, the film archive agency managed by the Ministry of Culture and Information may provide film archive services for cinematographic establishments; sell, rent, disseminate archive films with dissemination permits under the agreement with film owners; copy and reproduce deposited films for sale, rental or dissemination when so approved by with approval of competent cinematography state management agencies

The management and use of income from the above activities shall comply with regulations of the Ministry of Culture and Information and the Ministry of Finance.

Chapter VII

INSPECTION, AND HANDLING OF VIOLATIONS

Article 48. Cinematography inspectorate

1. The cinematography inspectorate belongs to the Ministry of Culture and Information's inspectorate and shall conduct inspection in cinematography.

2. The cinematography inspectorate has the following tasks:

a/ Inspecting the implementation of law and policies on cinematography

b/ Detecting, preventing and handling according to its competence or proposing competent state management agencies to handle acts of violating the cinematography law;

c/ Verifying, proposing competent state management agencies to handle complaints and denunciations concerning cinematography.

3. Organization and operation of the cinematography inspectorate shall comply with the provisions of this Law and the inspection law.

Article 49. Violations in film production and provision of film production services

1. Violating the provisions of Article 11 of this Law.

2. Producing films or providing film production services without business licenses or doing business at variance with the provisions of business registration certificates.

3. Cooperating, entering into joint ventures to produce films or provide film production services for foreign organizations and individuals without permit of the Ministry of Culture and Information or at variance with the provisions of such permit.

4. Violating regulations on signing and performance of contracts between directors or general directors of film production enterprises and investors, or screenwriters, directors and other members of film crews.

5. Not submitting films for approval to get permits before dissemination of films.

6. Not establishing a screenplay appraisal council; not organizing biddings for the production of ordered films funded with the state budget under the provisions of Clause 3, Article 24 of this Law.

Article 50. Violations in film distribution

1. Distributing films without dissemination permits granted by competent cinematography state management agencies or broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations.

2. Distributing films after the films are banned, suspended or stopped from dissemination or withdrawn, confiscated or destroyed under decisions.

3. Distributing film tapes or discs not stuck with control stamps of the Ministry of Culture and Information.

4. Dubbing or reproducing films for distribution without contracts or at variance with contracts signed with film owners.

5. Exporting films without dissemination permits granted by a competent cinematography state management agency or broadcasting decisions issued by the general director of Vietnam Television.

6. Exporting film tapes or discs not stuck with control stamps of the Ministry of Culture and Information.

7. Importing films at variance with the provisions of Clauses 2, 3 and 5, Article 30 of this Law.

8. Renting or selling films which are for internal circulation.

9. Managing and using imported films for scientific research for improper purposes or allowing unauthorized persons to view the films.

Article 51. Violations in film dissemination

1. Projecting or broadcasting films without dissemination permits granted by a competent cinematography state management agency or broadcasting decisions issued by the general director of Vietnam Television or directors of provincial-level radio-television stations.
2. Projecting or broadcasting films which are banned, suspended or stopped from dissemination or withdrawn, confiscated or destroyed under decisions.
3. Cinemas failing to satisfy the standards set by the Ministry of Culture and Information
4. Allowing children to view films in cinemas which are banned from viewing by children.
5. Failing to comply with the Government's regulations on the ratio of the number of projections, time volume, time for projecting or broadcasting Vietnamese films; time volume and time for projecting or broadcasting children's films.

Article 52. Violations in film deposit and archive

1. Film production establishments' or film-importing establishments' failure to deposit films or deposit films in insufficient quantities or with improper types.
2. Film production establishments' failure to submit for archive original materials of financed or ordered films funded with the state budget, or deposit in insufficient quantities or with improper types to film archive establishments within six months from the date the films are granted dissemination permits by a competent cinematography state management agency.
3. Depository agencies' failure to submit deposited films to film archive establishments within twelve months after the date the films are granted dissemination permits by a competent cinematography state management agency.
4. Film archive establishments' failure to provide copies, record or extract materials for film production establishments in accordance with law.
5. Film archive establishments' failure to ensure safety for films and their original materials and to preserve films in accordance with technical requirements for archives.
6. Film archive establishments' sale or rent of films without consent of film owners or without permits granted by a competent cinematography state management agency or broadcasting decisions of the general director of Vietnam Television or directors of provincial-level radio-television stations.
7. Film archive establishments managed by the Ministry of Culture and Information that dub or reproduce deposited films for sale, rent or dissemination without approval of a competent cinematography state management agency; and manage and use income not in accordance with the regulations of the Ministry of Culture and Information and the Ministry of Finance.

Article 53. Handling of violations of cinematography law

Organizations and individuals violating the law in cinematographic activities shall, depending on the nature and seriousness of their violation, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensations in accordance with law.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 54. Implementation effect

This Law takes effect on January 1, 2007.

Article 55. Implementation guidance

The Government shall detail and guide the implementation of Articles 5, 6, 11, 12, 14, 24, 30, 31, 33, 34, 35, 38, 41 and 53 of this Law.

This Law was passed on June 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam at its 9th session.