



## Position Paper on Intellectual Property Issues

This year, the American Chamber of Commerce celebrates 24 years serving as the “Voice of American Business” in Vietnam and our members remain committed to helping improve business conditions in order to strengthen the private sector and promote economic and social development here. AmCham is proud of our contributions to the development of Vietnam’s economy. Trade between our two countries passed \$55 billion last year. We are confident that the upward growth trend of trade and investment relations between the US and Vietnam will continue, and can strengthen.

AmCham’s ITTI Committee aims to promote and assist in the development of the IT industry for the mutual benefit of American and Vietnamese IT organizations. The Committee also works to strengthen intellectual property rights protection and enforcement across the whole spectrum of industries in Vietnam.

Vietnamese and foreign invested businesses alike need a supportive environment to thrive, and that means their relationship with administrative agencies should be mutually supportive. AmCham members are excited about opportunities in Vietnam. In this regard, we have outlined some issues below that can help further protect intellectual property here.

### *Trademarks*

#### **Time limit for examination of trademark applications, appeal requests, opposition petitions, and cancellation requests:**

##### Trademark applications

Article 119 of the IP Law provides that the time limit for substantive examination is nine months from the date of publication of the application. However, in practice, the substantive examination process can last for 15-18 months or even longer in some cases, which directly affects the interests of the petitioners.

##### Appeal requests, opposition petitions and cancellation requests

We find that the backlog of applications at the NOIP is quite common, especially in cases of opposition, appeal, and cancellation of trademark registrations. The backlog often lasts several years – even up to five years in some cases of cancellation or appeal.

This backlog directly affects the interests of the applicants. For example, the failure to handle opposition petitions and appeal requests in a timely manner facilitates the continuation of the infringement by third parties on which the trademark owners cannot impose sanctions.

Delayed review of appeals may push enterprises into the passive position of doing business because state authorities usually require entities to prove their ownership over their trademark in many activities, such as customs registration, advertising, or franchising.

In addition, if the appeal is handled for a long time, and then the NOIP decides not to grant protection, the applicant often loses an investment of effort and expense for the use and promotion of the trademark. The failure to grant a protection certificate causes considerable damage to businesses that have to convert their investment into a new trademark.

### **Well-known marks:**

#### Definition

The definition of "*Well known mark means a mark widely known by consumers throughout the territory of Vietnam*" under Article 4.20 of the IP Law may lead to the confusion that a well-known trademark must be known by consumers on the whole territory of Vietnam. Derived from the misuse and misinterpretation of the provisions of Vietnamese law on well-known marks, the demonstration of well-known status of a mark has become extremely difficult to be accepted at the NOIP.

This provision needs to be amended in line with the spirit of Article 16.2 of the TRIPS Agreement. Specifically, in order to identify a well-known mark, Members to the TRIPS Agreement shall take account of the knowledge of the trademark in the relevant sector of the public, including knowledge in the Member concerned that has been obtained as a result of the promotion of the trademark.

#### Criteria for evaluating well-known marks

Article 75 of the IP Law lists the criteria for evaluating well-known marks. However, these criteria are too general to be applied uniformly, such as "the number of relevant consumers who were aware of the mark," "the number of countries granting trademark protection," "the number of countries recognizing the well-known status of the mark," etc., without minimum quantity for review and evaluation. Therefore, examiners often rely on personal knowledge and experience to evaluate the reputation of trademarks, which can result in inconsistent decisions.

#### Requirement of use in Vietnam

When assessing the reputation of a mark, the NOIP requires that the mark in question must be used in Vietnam.

However, under international conventions to which Vietnam is a party, namely Art. 6bis Paris Convention, Art. 6 Chapter II of the US-Vietnam Bilateral Trade Agreement, Art. 16.2, 16.3 of the TRIPS Agreement, there is no requirement of use in the member country as a prerequisite condition for recognizing well-known trademarks. This is clarified in the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks adopted by the WIPO General Assembly and the Assembly of the Paris Union in September 1999.

"(3) [Factors Which Shall Not Be Required] (a) A Member State shall not require, as a condition for determining whether a mark is a well-known mark:

- (i) that the mark has been used in, or that the mark has been registered or that an application for registration of the mark has been filed in or in respect of, the Member State."

The Joint Recommendation, although not binding, is considered a "soft law" adopted by the WIPO for member states to harmonize rules related to well-known trademark protection. Furthermore, this Joint Recommendation is often regarded as an official interpretation of the protection of the well-known trademarks under the Paris Convention because it was adopted by the Assembly of the Paris Union for the Protection of Industrial Property, which comprises all member states of the Paris Convention.

The content of the Joint Recommendation has been widely applied by many countries and included in bilateral trade agreements. The Joint Recommendation is also widely recognized among intellectual property scholars around the world as an official interpretation of the well-known trademark protection provisions in the Paris Convention.

Therefore, we suggest that the Government of Vietnam should have specific and consistent regulations regarding the assessment of well-known trademarks without requiring proof of use in Vietnam.

#### **Non-traditional marks:**

Article 72 of the IP Law provides visibility as a requirement for trademark protection. This regulation has shown inadequacies compared to the trend of economic, scientific and technological development. In fact, some businesses have a need to protect non-traditional marks (such as sounds and scents) as they are used to distinguish the company's products and services from products and services of competitors. Legally, new-generation free trade agreements, such as the Trans-Pacific Partnership Agreement (TPP), have provisions for the protection of these non-traditional trademarks. Therefore, we encourage the Government of Vietnam to remove the visibility requirement for trademark protection and consider accepting to protect non-traditional trademarks.

#### **Three-dimensional marks:**

Article 72 of the IP Law stipulates that the mark may be in the form of a hologram. In fact, the NOIP tends to reject all three-dimensional marks because the hologram does not meet the inherent registrability in accordance with Article 74.2 (b) or 74.2 (c) of the IP Law. However, in practice, many three-dimensional signs have well functioned as trademarks to distinguish the goods and services of different entities. Therefore, three-dimensional signs should be considered as eligible for trademark protection in Vietnam.

#### **Refusal of trademark registration:**

##### Signs that are not directly descriptive for applied goods and services

Under Article 74.2 (c) of the IP Law and Point 39.3 of Circular 01/2007/TT-BKHCN, a trademark shall be denied protection if it is "descriptive of the goods or services." Since there is no specific guideline, this rule is inconsistently applied, depending on the subjective opinion of each examiner.

According to Point 39.3 (g) of Circular 01/2007/TT-BKHCN, only signs describing the applied goods or services themselves are considered indistinguishable. This can be interpreted as either (i) indicative or indirectly descriptive marks that consumers cannot associate with any particular feature or characteristic of the goods or services, or (ii) signs whose meaning consumers do not understand because the word (phrase) does not bear any meaning in common foreign languages in Vietnam (such as English) can be seen as distinctive and eligible for trademark protection in Vietnam.

#### Signs that are refused on both inherent distinctiveness and relative distinctiveness

According to the principle of trademark protection, a mark which has been presumed to be descriptive is not under the ownership of any entity and cannot be denied protection for confusingly similar to protected trademarks of others.

However, according to current practice, there are many cases where applied trademarks have been denied on both absolute grounds and relative grounds.

Therefore, we suggest the NOIP should have a specific and concurrent viewpoint of the distinctiveness of a mark.

#### Refusal of slogans

In fact, the NOIP generally neither protects the trademark in the form of a slogan nor protects slogan phrases in a trademark. According to current practice at the NOIP, any slogan is descriptive of applied goods and services and must be rejected under Article 74.2 (c) of the IP Law. We are of the view that this viewpoint is unreasonable. In fact, there are many slogan labels not having any descriptive meaning for the goods or services applied for registration. Therefore, such viewpoint is disadvantageous to applicants and consequently restricts the diversity of protected trademarks.

Therefore, we recommend that the Government of Vietnam should implement a regulation affirming the eligibility for trademark protection of certain slogans that are not directly descriptive of applied goods and services.

## *Patents*

### **Substantive examination process of utility solution patents:**

The examination process of a patent usually takes years to complete (and may be even more prolonged in complicated cases). Such long substantive examination may considerably shorten the left protection term of the utility solution patent or make the utility solution patent owner miss his business opportunity, even when the utility solution patent is accepted protection.

Therefore, we recommend the Government of Vietnam consider removing the substantive examination process from patent examination procedures. During the assessment phase, the NOIP should only conduct a formality examination over the application. The substantive examination should only be carried out in case of any dispute regarding the protected utility solution patent. In fact, Patent Offices in many countries such as Australia, Germany, Japan, Spain, etc. have taken this approach.

## **Publication of all particulars of patents on the Internet:**

In Vietnam, the publication of patent information is in hardcopy and occurs for storage purposes only. This approach undermines any ability to perform searches and, with the increasing number of patent applications each year, it will become prohibitive to continue this publication approach.

Meanwhile, many countries have disclosed full information of invention patents/utility solution patents on the Internet for a long time. Such disclosure has brought along great benefits to patent holders, as well as the public in general. On one hand, the publication of patent information contributes to the dissemination of scientific and technological information, helps avoid duplicate research, and limits infringement on the legitimate rights of patent owners. Additionally, full disclosure of patent information may enable the public to conduct clearance search on their own and improve the skill of drafting patent claims.

Therefore, we recommend that the NOIP manage to publish sufficient and detailed information on invention patents / utility solution patents on its online database.

## ***Copyrights***

Currently, the registration of copyright and related rights requires too many documents. For each copyright application, in addition to the original copy of the work, the applicant must submit the following documents:

- A copy of the identity card (or passport) of the authors;
- A certified copy of the business registration of the holder;
- A decision on the task of creating the work;
- A written statement of the authors;
- A power of attorney specifying the name of the work, the authorization term, signed and stamped by both parties (the owner and the representative).

Considering the complex procedures, we recommend the Government of Vietnam simplify copyright registration procedures, including the required documents for things like industrial property applications. Registration documents, in addition to the original copy of the work, may be as follows:

- A copy of the identity card (or passport) of the authors;
- A power of attorney (original - if applying for the first time, copy - if applying for the second time onwards, with the requirement to refer to the number of the previous application with which the original Power of Attorney was submitted).

## **Protection of copyrighted movies and sound recordings:**

In Vietnam, pirated copies of movies and sound recordings are still widely available, and there seems to not be a focus or adequate resources allocated to combat piracy. Additionally, online piracy has become an even bigger problem. Stronger mechanisms to combat piracy need to be put in effect and actually enforced to deter infringement. For example, the criminal provisions on copyright piracy have rarely if ever been enforced. Civil remedies can also be an effective deterrent; however, there are many barriers to effective civil actions in Vietnam, such as lack of preliminary injunctions, lack of statutory damages awards, and difficult judgment enforcement procedures.

## *Enforcement*

### **Well-known trademarks:**

The current IP enforcement framework has not been sufficient to protect well-known trademarks. In particular, Art. 129.1(d) of the IP Law stipulates the prerequisite to identifying an infringement of rights to a well-known mark is that the use of the sign "*is likely to cause confusion as to the origin of the goods or services or misleading impressions as to the relationship between users of such signs and well known mark owners.*"

In our view, this regulation has limited the rights of well-known trademark owners and has made it difficult for them to enforce their marks in practice. Due to the well-known status of such trademarks attaching to certain products only, consumers may not easily be confused pertaining to the origin of goods or services bearing the infringing marks if these marks are used on totally different goods and services with different distribution channels. Infringers can rely on this argument to defend their use, although they are, in fact, on the coat tails of well-known trademark owners.

Therefore, we recommend that the Government of Vietnam should consider removing the condition "likelihood of confusion" under the IP Law. As discussed above, so that well-known trademark owners can enforce their trademark rights more easily. Instead, the condition should be replaced as follows:

"Article 129. Criteria for evaluation of whether or not a mark is well known

1. The following acts, if performed without the permission of mark owners, shall be deemed to be infringements of the right to a mark:

(d) Using signs identical with, or similar to, well known marks, or signs in the form of translations or transcriptions of well-known marks for any goods or services, including those not identical with, dissimilar or unrelated to goods or services on the lists of those bearing well known marks, if such use is likely to dilute the distinctiveness of well-known marks or adversely affect the reputation and fame of well-known marks."

### **Domain name disputes:**

Joint Circular No. 14/2016/TTLT-BTTTT-BKHCN dated 8 June 2016 on domain name dispute resolution by administrative route does not well live up to the expectation from the brand owners. Per the purview of the joint circular, administrative action to resolve domain name dispute will not apply to cases where (i) the cyber-squatter does not set up any website at the domain; or (ii) the contents of the website at the domain name does not offer any similar/identical goods/services as compared with the goods/services covered by the trademark. In addition, the administrative action does not result in a recovery of the domain name in the brand owner's name. Rather, Vietnam Internet Network Information Center (VNNIC) will withdraw the domain name and hold it in abeyance. VNNIC can releases the domain name for public registration after a period of time, which invites the risk of further cyber-squatting.

Circular No. 24/2015/TT-BTTTT (i.e., Article 16) marks a backward step in freezing the infringing domain name during the dispute resolution. Previously, VNNIC would lock the disputed domain name at the commencement of a lawsuit. However, per the current law, VNNIC shall only freeze the disputed domain name at the request from the authorities, which have power to resolve the

dispute (including the court). This means that in principle, the court must grant a preliminary injunction to freeze the domain name and then send such decision on the preliminary injunction to VNNIC. However, in practice, courts always hesitate granting preliminary injunction.

We recommend that the Government of Vietnam should provide for an automatic freeze of disputed domain names right at the commencement of the legal actions to deal with domain name dispute. We also call on the Government to fix the pitfalls in resolving domain name dispute by administrative route (such as allowing (i) an ex parte resolution, (ii) a resolution irrespectively of any active website to which the disputed domain name resolves, etc.)

#### **Infringing company name:**

Administrative action typically does not bring about desired outcomes in the context of infringing company name. There is no effective regime to force the infringer to change its infringing name if it declines to comply with the order from the administrative enforcement body. This challenge arises from an inconsistency in the revocation of business license between the Law on Enterprise of 2014 and Decree 99/2013/ND-CP on administrative action against IP infringement. The Law on Enterprise (Article 211) does not take into account the remedy of revoking business license issued by an IP administrative enforcement body. Meanwhile, Decree No. 99/2013/ND-CP sets forth such regime for the revocation. In principle, the decree, which is issued by the Government, must not contradict with the law, which is passed by the National Assembly. Per the Law on Enterprise, the omission to explain/justify shall result in the cancellation of the business license. Thus, to bridge the gaps between the law and the decree, the Ministry of Science and Technology - MOST and the Ministry of Planning and Investment - MPI have to shift the focus on the remedy issued by the IP administrative body to the failure for explanation/justification.

MOST and MPI introduced Joint Circular No. 05/2016/TTLT-BKHCHN-BKHDT to codify the above workaround approach. Per this statute, withdrawal of the infringer's business license would take place only when the infringer does not capitulate to the request for explanation from the business registry. If the infringer indeed submits their explanation as requested by the business registry, it would be uncertain about whether the business registry would still revoke the business license of the infringer.

As an aside, the joint circular goes further beyond the regulation in Decree No. 99/2013/ND-CP when allowing the authorities to apply the remedies of removing the similar/identical business line from the business registration in lieu of an order for a removal of the infringing mark from the corporate names.

We request the Government to amend Article 211 of the Law on Enterprise of 2014 to provide for a revocation of business license on the account of a ruling from the competent authorities on IP infringement. We also recommend leaving out the remedy of deleting the similar/identical business line.

#### **Software copyright and enforcement:**

The rate of unlicensed software use is extremely high in Vietnam, far exceeding the global (39 percent) and regional (61 percent) averages. The latest data indicates that the rate of unlicensed software use in Vietnam is 78 percent, representing a commercial value of unlicensed software of \$598 million, according to the 2016 BSA Global Software Survey.

### Enterprise licensing/legalization

Enterprises in Vietnam, including foreign-invested enterprises, tend to place a very low priority on purchasing and using licensed software.

### Statutory and regulatory provisions

Copyright protection and enforcement in Vietnam is governed by the Intellectual Property Code (as last amended in 2009), the Criminal Code (as amended in 2009), and the Administrative Violations Decree, which took effect December 15, 2013. The Civil Code operates in parallel.

The Criminal Code, as currently in force, criminalizes “commercial scale” acts of “[c]opying of works, audio recordings and visual recordings” or “[d]istributing the copies of work, audio or video recording.” However, there has been a general lack of criminal enforcement against copyright infringement over the years on the part of the authorities. Further, while Article 170a of the current Criminal Code improved Vietnam’s statutory framework in some respects, it is now weaker than the previous provision, the February 2008 Criminal Circular. The lack of criminal enforcement against copyright infringement over the years is also because the Criminal Code only applies to natural persons, not to entities.

In November 2015, the National Assembly adopted the new Criminal Code, which will come into force with effect from 1 January 2018. The new Criminal Code includes some improvements in provisions addressing copyright infringements. For example, there are several provisions applying criminal penalties for copyright infringements to commercial entities (i.e. enterprises). Article 225 of the new Criminal Code specifies that a commercial entity that commits copyright infringement is now subject to criminal penalties and may be fined up to VND 3 billion and its business operations may be suspended for up to two years. However, the Government of Vietnam has yet to issue implementation guidelines in relation to how exactly Article 225 will be enforced. Such guidelines are required so that there can be clarity on how Article 225 can supplement the existing regime.

Amendments to the Intellectual Property Code over the years have resulted in a number of improvements in the overall protection of copyright in Vietnam. However, more can be done to strengthen the legal framework in terms of IP protection. In particular, the Government of Vietnam should consider introducing pre-established damages upon the election of the right holder, which is very important in civil cases when the harm caused by the infringement is difficult to calculate.

Software companies rely on administrative enforcement to combat the unlicensed use of software by enterprises in Vietnam. In 2016, 88 administrative enforcement actions were initiated. Unfortunately, the fines issued remain too low to constitute an effective deterrent against unlicensed software use, in the range of VND 20-50 million, which is less than 10 percent the maximum applicable fines. The Government of Vietnam could supplement this through the new amendments to the Criminal Code (Article 225), as the economic sanctions against commercial infringers can act as a strong deterrent against unlicensed software use.

The lack of criminal enforcement against copyright infringement remains a concern. The general inactivity of the courts in dealing with copyright infringement issues remains a problem in Vietnam. The Government’s guidelines on the enforcement of Article 225 should clarify if the amendments to the Criminal Code (Article 225) are intended to resolve this issue.



In addition, there have been relatively few civil court actions involving copyright infringement in Vietnam to date. Complicated procedures, delays, and a lack of predictability in the outcome contribute to this problem. As a result, it remains challenging for copyright holders to obtain effective redress against infringers in Vietnam.

**Inefficient administrative sanctions:**

For recent years, the number of trademark infringement cases handled before state agencies (such as market management agencies, economic police, etc.) has increased. However, this has not reduced the quantity of counterfeit goods.

Counterfeit goods are usually sold at small businesses that account for the majority of the market. These small businesses are usually small retailers. Meanwhile, it is often difficult to identify wholesale dealers, as they operate in a secretive, sophisticated, and dangerous manner. This is why, in most cases of handling counterfeit goods, the infringing parties are small retailers.

Small counterfeit retailers usually sell a myriad of counterfeit goods in small quantities. Subsequently, when the authorities attempt to combat a particular brand that is being counterfeited, the sellers tend to offer the counterfeit goods under another trademark. This has caused difficulties in protecting the rights of trademark owners.

In addition, the combating of counterfeit goods is not a deterrent, as the sanctioning measures are mostly administrative measures, even in prosecuted cases. Therefore, many infringers do not intend to cease their infringement even after imposed sanctions.

Thus, we recommend the Government of Vietnam consider specifying criminal sanctions in the case of recidivism, in an effort to improve the deterrent effect and prevent recidivism.

**Distinction between fines applied to individuals and organizations:**

Currently, a “loophole” enables counterfeit traders to circumvent the law, as individuals are only being fined half of the amount of fines imposed on organizations who have committed the same violation. In practice, when counterfeit trading organizations are caught with counterfeits, the representatives of these organizations often reason that the captured counterfeit goods are not theirs, but instead belong to their relatives. Thus, the authorities only impose a fine for individuals. For this reason, the sanctioning of violation is not aimed at the correct infringing subject and does not reflect the extent of infringement.

Therefore, we suggest that the Government of Vietnam should consider either applying a heavier sanction on individuals or not discriminating between fines on individuals and organizations.

**Control of exported and imported goods related to IP:**

When carrying out customs clearance procedures for shipments, if goods are suspected as counterfeits, the customs authorities have no authority to open the goods lot for product inspection. This inadequacy results in the ineffective control of exports and imports related to IP, especially when compared to the practice of many countries. Therefore, we encourage the Government of Vietnam to consider revising the laws, enabling customs authorities to open the goods lot for inspection if there are sufficient grounds for suspicion of counterfeit goods.

### **IP Enforcement Agencies:**

Capacity of IPR enforcement agencies is lacking and weak (both in terms of technical infrastructure and staff). Some enforcement agencies do not even have any IP specialized officials. Meanwhile, the court system is not capable of resolving quickly, nor effectively, complex IP cases, as judicial experiences and professional knowledge of judges in the IP field are limited. When dealing with IP infringement disputes, most enforcement agencies cannot be proactive, but must depend on expert opinions from specialized agencies. This has prolonged processing time and lowered the quality of IP infringement case settlement.

Therefore, we recommend the Government of Vietnam strengthen the capacity of IP enforcement agencies (including technical infrastructure and staff), with a special focus on improving self-determination of administrative enforcement agencies. In other words, every IP enforcement agency should minimize the dependence on professional expertise on IPR infringements from the sectorial administrative authorities through capacity trainings. This is a particularly important and decisive solution, as the effectiveness of enforcement cannot be guaranteed when competence and knowledge of IPR enforcement officers are not improved.

The Government should also consider the establishment of IP specialized courts at the local level, to improve the justice available to IP rights-holders. The court's expertise is extremely important for IP disputes because courts are often requested to render decisions very quickly on applications for provisional measures, in order to prevent or stop an infringement of IP rights.

### **Withdrawal of Market Authorization (MA) in the context of patent infringement:**

During the validity term of Circular 44/2014/TT-BYT on drug registration, if an IP dispute arises following the grant of a circulation registration number (MA), the Ministry of Health (MoH) may, at the proposal of the patent holder or a third party with related interests and based on a court decision or state management agency conclusion on infringement, suspend or withdraw the MA of a product (e.g. a Gx) held to be infringing the patent holder's rights. However, the Pharmaceutical Law of 2016 does not provide for a revocation of MA in the context of patent infringement. Accordingly, the MoH may leave out the regulations on the MA withdrawal on the account of patent infringement in the new circular, which will replace Circular 44/2014/TT-BYT. Particularly, the authority seeks to avoid withdrawing MA of the infringing generic drugs even if there is ruling on the patent infringement.

In addition, Vietnam does not require a patent-linkage system during the examination of drugs. The lack of this system poses great threat to the patent holders, mostly the major foreign investors in Vietnam. The patent holders have to spend a great deal of resources in fight against the generic on the market.

We recommend Vietnam Government to provide for a patent-linkage system and a MA revocation based on a ruling on patent infringement from the competent authorities.

### **Fast-track invalidation:**

Infringers can seek invalidation of the patent in question in an effort to hinder and prolong legal actions, including administrative measures and civil action. Such invalidation counter-attack substantially slow down the enforcement process or even drive the enforcement cases to stagnation.

In some patent infringement cases by administrative route, the authorities decided to drop the cases on the account of the on-going nullity proceedings. In civil litigation, the court tends to suspend the proceedings pending the resolution of the invalidation request by the NOIP.

The nullity proceedings at the NOIP often drag on for years, which dramatically harm the patent holder's rights and interests. In many cases, such lengthy process could drain the patent holder's trust in the patent system.

We strongly recommend law changes to fast-track invalidations or avoid stays in frivolous cases. We also call for an absolute independence of the authorities, including the courts, in ruling on the patent infringement as well as the nullity matters.

**Preliminary injunction:**

It is possible to obtain a preliminary Injunction in Vietnamese courts. However, in lack of precedent, the court often prefers, on the balance of convenience, not to allow a preliminary injunction. We recommend law changes to facilitate the grant of preliminary injunction.

**Public awareness:**

In addition to enforcement, the Government of Vietnam can and should play a key role in building public awareness of the benefits of IPR and designing and implementing programs that foster respect for IPR. In addition, the Government of Vietnam should raise public awareness of the risks of unlicensed software. In particular, the use of unlicensed software exposes entities to increased malware infections and cybersecurity vulnerabilities. The government should explore the potential for strong public-private partnerships to facilitate trainings that improve enforcement activities.

*Conclusion*

As major investors here, American companies have a sustained interest in Vietnam's continued success. Our members believe that the business climate can best be helped by actions that increase productivity and reduce the costs and risks of doing business in Vietnam, and smooth the path for the foreign and domestic private sector.

Given the importance the government places on attracting foreign investment, we look to work in partnership with the government and agencies to help resolve challenges and prevent problems. Our member companies are eager to share regulatory best practices when they are given sufficient time and opportunity to comment on proposed new rules. We want Vietnam to succeed and AmCham remains committed to helping create a more attractive, transparent, and stable business environment here.

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## About AmCham

The American Chamber of Commerce in Hanoi (AmCham) was founded in 1994 to provide a network for American businesses in Vietnam, and currently has over 500, comprised of a diverse group of representatives from the business and development community. Recognized by the Prime Minister for our contributions to improve the business climate, our mission is to increase trade and investment between the United States and Vietnam. This is accomplished through a variety of activities, including legislative and administrative reforms, networking, business briefings, trade missions, informative publications, and much more. AmCham is the “Voice of American Business” in Vietnam – led by a dynamic Board of Governors, dedicated Committee Chairs, and a team of professional staff advocating and working on behalf of our members.

We welcome anyone, including Vietnamese and non-Vietnamese people who are interested in promoting business and trade links between the United States and Vietnam. Our members are united in the belief that an economic system based upon free trade, open markets and private enterprise creates employment, prosperity and stable development. AmCham supports the success of our members by promoting a healthy business environment in Vietnam, strengthening US-Vietnam commercial ties, and providing high-quality business information and resources.

AmCham is a non-governmental, not-for-profit foreign business organization licensed to operate by the Foreign Affairs Department of the Hanoi People’s Committee. We work hard to help our members succeed. Whether you are looking to establish business contacts, gain insight into the Vietnamese market, expand your professional skills and industry expertise, lobby the government to enhance the business climate, or simply take advantage of our many services, AmCham can help you. In today’s rapidly changing economic climate, you need to stay up-to-date and informed. You can get the most out of your AmCham membership by becoming involved in the organization and taking advantage of your member benefits. As a volunteer organization, AmCham could not operate effectively without the participation of our members and the uncountable hours they put towards our activities.

AmCham continues to encourage continuous improvements in the protection of intellectual property, infrastructure development, education reform, legal certainty, and enhanced transparency in Vietnam. We will continue to bring together business and government leaders to discuss how to improve business conditions to promote economic and social development in Vietnam because our members believe that together, we can create an environment that enables the Vietnamese people to express their natural ambition and entrepreneurial spirit.

AmCham members are a diverse group of well-experienced professionals who bring a wealth of knowledge and know-how to any company, non-governmental organization, or individual doing business or considering doing business in Vietnam. The membership is comprised of citizens from 31 different countries, representing a wide range of organizations from small businesses and NGOs to the largest multi-national corporations in the world. Some of our members have just arrived in Hanoi, and others have lived here for more than a decade. This diversity is our strength. The big and small and the old and new, working together on our long-term commitments to Vietnam, its economy and its people. Find out how you can participate by visiting the website address listed below.

**[WWW.AMCHAMHANOI.COM](http://WWW.AMCHAMHANOI.COM)**