

Newsletter:

Procedure For Software Copyright Registration In Vietnam



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In Brief

In an era of rapidly developing information technology, protecting the rights of individuals and enterprises regarding software is crucial. Software copyright not only ensures fairness and protects the intellectual property rights of creators but also creates favorable conditions for development and investment in information technology. Registration for software copyright is not only a necessary procedure but also an undeniable requirement for organizations, enterprises, and individuals operating in this field.

To protect your rights through software copyright registration in Vietnam, a clear understanding of the necessary procedures and requirements is crucial. This procedure includes many complex steps from preparing documents and implementing procedures at the authorities to maintaining and updating ownership rights after complete registration. Particularly, in a gradually improving legal environment like Vietnam, mastering regulations, laws and procedures is so important that you can avoid legal risks and ensure the rights and interests of yourself and your enterprise. Our article below will provide you with a comprehensive overview of what you need to do to protect the “software” you have created or owned.

Key Takeaways

1. What is software copyright registration under Vietnamese law?

Software copyright registration can be understood as the author (software creator) and software owner submitting documents to the Copyright Office to apply for a Copyright Registration Certificate for their Software. The ultimate purpose is to obtain a Certificate to confirm that the individual or organization is the author or legal owner of the software issued by the state agency.

According to the provisions of Intellectual Property law, software or computer programs and data collection can be understood as follows:

A computer program is a set of instructions expressed in the form of commands, codes, diagrams, or other forms that, when attached to a means or device operated by a computer programming language, can make computer or device that performs work or achieves a specific result. Computer programs are protected as literary works, whether expressed in source code or machine code.

Authors and copyright owners of computer programs have the right to agree in writing on the repair and upgrade of computer programs. Organizations and individuals that have the right to legally use a copy of a computer program may make a backup copy to replace it when that copy is deleted, damaged or cannot be used but cannot be transferred to the other organization or individual. Computer programs are protected as literary works, whether expressed in source code or machine code.

Data collection is a creative collection expressed in the selection and arrangement of documents in electronic or other forms. Copyright protection for data collections does not cover the materials themselves and does not prejudice the copyright of the materials themselves.

2. Order of necessary steps to register software copyright in Vietnam

Firstly, to determine the order of steps to register software copyright in Vietnam, you need to define whether you have permanent residence in Vietnam for both individuals and organizations as follows:

- Authors, copyright owners and related rights owners are Vietnamese individuals, organizations, foreign individuals permanently residing in Vietnam, foreign organizations with headquarters, representative offices, or branches in Vietnam, submit applications for copyright registration or related rights registration directly or through a legal representative in Vietnam.
- On the contrary, in cases where the author, copyright owner, or related rights owner is a foreign individual who does not permanently reside in Vietnam, or a foreign organization that does not have a headquarters, representative office, or branch in Vietnam submit copyright registration and related rights registration documents directly through the online public service portal at level 4 or through authorization for a consulting organization to offer services on copyright and related rights in Vietnam.

Order of steps to issue a Copyright Registration Certificate and Related Rights Registration Certificate:

Step 1. Organizations and individuals submit 01 set of documents and pay fees according to the provisions of law at the Copyright Office;

Step 2. The Copyright Office reviews, classifies, and considers the validity of the dossier within 01 month from the date of receiving the dossier. In case the dossier is not valid, the Copyright Office shall notify the organization or individual to amend and supplement the dossier;

Organizations and individuals have a maximum period of 01 month from the date of receipt of the notice to amend and supplement documents, except in the case of force majeure events or objective obstacles as prescribed by law. In case the organization or individual does not modify or supplement the dossier or has amended or supplemented the dossier, but the dossier is still invalid, the Copyright Office shall return the dossier to the organization or individual;

Step 3. The Copyright Office issues Copyright Certificates to individuals and organizations if the documents are valid.

In case of applying for copyright registration or related rights registration through authorization, the application must include an authorization document. The authorization document must specifically state the contact information of the authorizing party and the authorized party; name of work, performance, audio recording, video recording, broadcast program; scope of authorization; authorization period. Note that documents in the copyright registration dossier and related rights registration must be made in Vietnamese; In case it is made in another language, it must be translated into Vietnamese (notarized or consular legalized).

3. Why is software copyright registration important?

The rapid development of technology always brings the risk of leakage, copying or disclosure from employees and partners of software and computer programs. Therefore, software copyright registration is essential because of the following reasons:

Copyright registration helps protect the intellectual property rights of software developers. This means they have control over the copying, distribution, and use of their software. Without copyright, software can be copied or used without permission, leading to economic and reputational damage.

It is a great way to prevent violations of the law. Software copyright registration helps to avoid violating laws related to the illegal use of software. Users must comply with the terms and conditions specified in the software license.

Increase brand value, whereby software copyright also contributes to increase the brand value of a company. Ownership of copyright proves that their products are exclusive and high-quality. It also increases reputation and trust from customers. Furthermore, copyright registration also helps software become an investment and capital contribution property in accordance with regulations.

Conclusion

By registering copyright, individuals and businesses can take advantage of every opportunity to exploit and protect their intellectual property rights, while creating trust and attractiveness for partners and investors. This also supports the sustainable development of the software industry. It positively contributes to the sustainable development of the technology market. For individuals and organizations who are authors or owners of software, the urgency of implementing the procedure for software copyright registration cannot be denied. This needs to be prioritized and implemented rigidly.

The article contains general information, which is of reference value, in case you want to receive legal opinions on issues you need clarification on, please get in touch with our Lawyer at info@cdlaf.vn.