

DECREE

Amending and supplementing a number of articles of the Government's Decree No. 72/2013/ND-CP of July 15, 2013, on the management, provision and use of Internet services and online information¹

Pursuant to the June 19, 2015 Law on Organization of the Government;

Pursuant to the November 23, 2009 Law on Telecommunications;

Pursuant to the June 29, 2006 Law on Information Technology;

Pursuant to the April 5, 2016 Press Law;

Pursuant to the November 20, 2012 Law on Publication;

Pursuant to the November 26, 2014 Investment Law;

Pursuant to the November 26, 2014 Enterprise Law;

At the proposal of the Minister of Information and Communications;

The Government promulgates the Decree amending and supplementing a number of articles of the Government's Decree No. 72/2013/ND-CP of July 15, 2013, on the management, provision and use of Internet services and online information.

Article 1. To amend and supplement a number of articles of the Government's Decree No. 72/2013/ND-CP of July 15, 2013, on the management, provision and use of Internet services and online information (Decree No. 72/2013/ND-CP)

1. To amend and supplement Article 3 as follows:

a/ To amend and supplement Clause 11 as follows:

¹ Công Báo Nos 441-442 (16/3/2018)

“11. Public gaming point means a place which an organization or individual has the lawful right to use for providing players with Internet access and electronic games by establishing a system of equipment at such place. Public gaming points include:

a/ Public Internet access points that provide electronic game services: Internet agents; public Internet access points of Internet service providers; public Internet access points in hotels, restaurants, airports, harbors, bus stations, coffee shops and other public places under an Internet agent contract with an Internet access service provider;

b/ Public gaming points using the local area network (LAN) or wide area network (WAN) without Internet access.”

b/ To add the following Clauses 25, 26, 27 and 28:

“25. New generic top-level domain (New gTLD) means a generic top-level domain (gTLD) directly allocated to organizations and individuals in the world by the Internet Corporation for Assigned Names and Numbers (ICANN) under its New generic top-level domain (New gTLD) program.

26. “.vn” domain name registration and maintenance service means a service provided by “.vn” domain name registrars to agencies, organizations and individuals that are capable of creating, updating, maintaining and managing lower-level domain names under “.vn” domain name in the national domain name database and a system of DNS servers, including:

a/ Registering and maintaining domain names; to ensure safety for domain names and domain name data;

b/ Storing, reporting and providing information about domain names and domain name registrars;

c/ Collecting and paying domain name charges and fees.

27. Virtual unit means a tool used by game service providers in exchanging and buying and selling virtual items, bonus points and game skills.

28. Protection of national interests related to New gTLDs and their second-level domain names means taking measures to protest, block and prevent the free registration and use of New gTLDs and second-level domain names that may infringe upon the national interests.”

2. To amend and supplement Article 9 as follows:

a/ To amend and supplement Clause 1 as follows:

“1. Internet agents have the following rights and obligations:

a/ To establish a system of terminal devices at the place they have the right to use for providing the Internet access service to users at that place;

b/ To put up the signboard with the words “Internet agent” and Internet agent business registration number; in case the Internet agent is also a public gaming point, to put up the signboard as prescribed in Article 35 of this Decree;

c/ To post up the regulations on Internet service use at noticeable places, which state the prohibited acts specified in Article 5 of this Decree, and the rights and obligations of Internet users specified in Article 10 of this Decree;

d/ To provide the Internet access service with quality and at charge rates stated in the Internet agent contract;

dd/ The rights and obligations of owners of public gaming points specified in Article 36 of this Decree, if providing the online game service;

e/ Not to organize or allow Internet users to use computers at their business places to commit the prohibited acts specified in Article 5 of this Decree;

g/ To request the enterprise that signs the Internet agent contract to provide instructions and information about the Internet access service, and submit to the inspection and supervision by that enterprise;

h/ To attend Internet training programs organized by local state management agencies and Internet service providers;

i/ To comply with the regulations on information safety and security;

k/ Internet agents that do not provide electronic game services shall observe the opening hours prescribed by People’s Committees of provinces and centrally run cities (below referred to as provincial-level People’s Committees). Internet agents that provide electronic game services shall observe the opening hours specified in Clause 8, Article 36 of this Decree.”

b/ To amend and supplement Clause 2 as follows:

“2. Owners of public Internet access points of enterprises have the following rights and obligations:

a/ To put up the signboard with the words “Public Internet access point” and the name of the enterprise and serial number of its license to provide internet services; if the public Internet access point is also a

public gaming point, to put up the signboard specified at Point c, Clause 2, Article 35 of this Decree;

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

c/ Public Internet access points of enterprises that do not provide electronic game services shall observe the opening hours prescribed by provincial-level People's Committees. Public Internet access points of enterprises that provide game services shall observe the opening hours specified in Clause 8, Article 36 of this Decree”.

c/ To add the following Clause 5:

“5. Provincial-level People's Committees shall prescribe the opening hours of Internet agents and public Internet access points that do not provide electronic game services in their provinces or centrally run cities.”

3. To amend and supplement Article 12 as follows:

a/ To remove the word “conditions” in Clause 7;

b/ To add the following Clauses 8 and 9:

“8. Agencies and organizations may grant domain names under their registered ones only to member units and persons that are working in their agencies and organizations and shall manage lower-level domain names they have granted; may not grant domain names under their domain names to other agencies, organizations and individuals.

9. Online newspapers, websites or portals of Party and State agencies shall use at least one “.vn” domain name and store information on the server system with an IP address in Vietnam.”

4. To add the following Article 12a:

“Article 12a. Protection of Vietnam's national interests in registering and using New gTLDs and second-level domain names under New gTLDs

1. New gTLDs and second-level domain names under New gTLDs related to Vietnam's national interests, are:

a/ Domain names being Vietnam's national name and code;

b/ Domain names containing phrases being names or shortened names of Vietnam through historical periods and reflecting Vietnam's national image;

c/ Domain names being geographical names and names of places in Vietnam's coastal, land and air border areas specified by Vietnamese law;

d/ Domain names being names of provinces and centrally run cities;

dd/ Domain names being names of Vietnam's geographical places already recognized by UNESCO as the world's cultural heritages;

e/ Domain names being names of national relics and special national relics, national precious objects, national tangible and intangible cultural heritages, national cultural symbols and national tourist sites of Vietnam;

g/ Domain names being names of Party organizations, state agencies and socio-political organizations;

h/ Domain names containing phrases in need of protection under Vietnam's regulations on security, defense and diplomacy;

i/ Domain names being names of Vietnam's cultural celebrities, national heroes and leaders;

k/ Other domain names prescribed by the Prime Minister.

2. Responsibilities of ministries, sectors and Party organizations and state agencies in protecting the nation's interests related to New gTLDs and second-level domain names under New gTLDs:

a/ The Ministry of Information and Communications shall assume the prime responsibility for, and coordinate with related ministries, sectors, organizations and units in, appraising applications for registration and use of New gTLDs and second-level domain names under New gTLDs; protesting ICANN or international top-level domain name-managing organizations if the latter permit the registration or use of domain names that may infringe upon the national interests according to the criteria specified in Clause 1 of this Article;

b/ Ministries, sectors, Party organizations and state agencies shall coordinate with the Ministry of Information and Communications and related organizations and units in making the list and monitoring the registration and use of domain names under their management that satisfy the criteria specified in Clause 1 of this Article; propose funds for registration and use of domain names in need of protection based on the principle of efficient use of the state budget to protect the national interests; involve in the appraisal of applications for registration and use of New gTLDs and second-level domain names under New gTLDs at the request of the Ministry of Information and Communications;

c/ The Ministry of Finance shall appraise and allocate funds for the registration and use of domain names specified in Clause 2 of this Article.”

5. To amend and supplement Article 14 as follows:

a/ To amend and supplement Clause 1 as follows:

“1. “.vn” domain registrars are enterprises that provide “.vn” domain name registration and maintenance services, including those being:

a/ Enterprises that are established in accordance with Vietnam’s law to provide “.vn” domain name registration and maintenance services to Vietnamese and overseas subjects. When providing such services to overseas subjects, in addition to the observance of Vietnam’s law on Internet, “.vn” domain registrars shall comply with the law of the country where services are provided;

b/ Overseas organizations that sign a contract with an accredited registrar of the Internet Corporation for Assigned Names and Numbers (ICANN) to provide “.vn” domain name registration and maintenance services to overseas subjects. When providing such services to overseas subjects, in addition to observing the host country’s law, “.vn” domain registrars shall comply with Vietnam’s law on Internet.”

b/ To add the following Clauses 4, 5, 6 and 7:

“4. Enterprises wishing to provide “.vn” domain name registration and maintenance services shall send a dossier of request for provision “.vn” domain name registration and maintenance services to the Ministry of Information and Communications (Vietnam Internet Network Information Center). A dossier must comprise:

a/ A written request for provision of “.vn” domain name registration and maintenance services, made according to Form No. 01 in Appendix I to this Decree;

b/ A valid copy, which may be a duplicate from the master register, a certified copy or a copy with the original for comparison, of the enterprise registration certificate or investment certificate (or another certificate or license of equivalent validity granted before the effective date of Law No. 67/2014/QH13 on Investment and Law No. 68/2014/QH13 on Enterprises);

c/ A notarized translation of the contract signed between the overseas organization and the accredited registrar of the ICANN (in case an overseas organization signs the contract with an accredited registrar of the ICANN);

d/ A personnel and technical plan to ensure adequate capacity and conformity with the scope of provision of domain name registration and maintenance services.

5. The Ministry of Information and Communications (Vietnam Internet Network Information Center) shall consider and sign contracts on provision of “.vn” domain name registration and maintenance services with enterprises based on the following criteria:

a/ Demands for the provision of “.vn” domain name registration and maintenance services;

b/ Conformity with the master plan on Internet resources;

c/ Satisfaction of the conditions specified in Clause 2 of this Article.

6. A contract on provision of “.vn” domain name registration and maintenance services mentioned in Clause 5 of this Article must contain all contents provided in Form No. 27 in Appendix I to this Decree.

7. When providing “.vn” domain name registration and maintenance services, “.vn” domain name registrars may not:

a/ Infringe upon and harm lawful rights and interests of subjects as well as other “.vn” domain name registrars;

b/ Abuse advantages of domain name registrars to appropriate, obstruct or attempt to obstruct lawful domain name registrars and users.”

6. To amend and supplement Clause 3, Article 15 as follows:

“3. A Vietnam-based international domain name registrar has the following rights and obligations:

a/ To manage information about Vietnam-based organizations and individuals that register international domain names, including name, head office address, phone number, fax number and email address, for organizations; full name, date of birth, people’s identity card/citizen identification card/passport number and place and date of issue, permanent residence address, phone number and email address, for individuals;

b/ To instruct organizations and individuals that register international domain names to use international domain names under Clauses 2 and 3, Article 23 of the June 29, 2006 Law on Information Technology;

c/ To provide information for and cooperate with competent state management agencies in settling cases related to international domain names under their management;

d/ Within 15 days after providing international domain name registration and maintenance services to the public, a Vietnam-based international domain name registrar shall send a report on the service provision to the Ministry of Information and Communications (Vietnam Internet Network Information Center), made according to Form No. 2 in Appendix I to this Decree, together with a notarized translation of the contract signed with the ICANN or with an accredited registrar of the ICANN on provision of international domain name registration services in Vietnam;

dd/ Before the 15th of the first month of every quarter, a Vietnam-based international domain name registrar shall send online to the Vietnam Internet Network Information Center an updated list of international domain names under its management under the detailed guidance at www.thongbaotenmien.vn.”

7. To amend and supplement Article 23 as follows:

“Article 23. Management of the establishment of websites and social networks

a/ To amend and supplement Clause 5 as follows:

“5. An organization or enterprise may be licensed to establish an aggregated information website or a social network when fully meeting the following conditions:

a/ It is established under Vietnamese law and its functions, tasks, or registered business lines are conformable with the services and information provided on the National Business Registration Portal;

b/ It has an organizational structure and employees specified in Article 23a of this Decree;

c/ It has registered a domain name to establish the website or social network and satisfied the conditions prescribed in Article 23b of this Decree;

d/ It has satisfied the technical conditions specified in Article 23c of this Decree;

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

b/ To remove the word “conditions” in Clause 10.

c/ To add the following Clause 11:

“11. The licensing agency shall issue a decision to suspend a license for an aggregated information website or a social network for

three months counting from the date of issuance of the decision if the licensed organization or enterprise:

a/ Violates Point d, dd or e, Clause 1, Article 5 of this Decree;

b/ Fails to satisfy the conditions specified in Clause 5, Article 23 of this Decree after the licensing agency made a written request for remedies.

The order and procedures for suspension must comply with Article 23i of this Decree.”

d/ To add the following Clause 12:

“12. The licensing agency shall revoke a license for an aggregated information website or a social network if the licensed organization or individual violates Point a, b or c, Clause 1, Article 5 of this Decree or has its license suspended twice as prescribed in Clause 11 of this Article.

The order and procedures for revocation must comply with Article 23i of this Decree.”

dd/ To replace the word “Clause 11” with “Clause 13”.

8. To add the following Article 23a:

“Article 23a. Conditions on organizational structure and employees for aggregated information websites or social networks

1. Conditions on employees responsible for managing information content.

a/ Having at least one person responsible for managing information content who bears Vietnamese nationality or a foreigner holding a temporary residence card granted by a competent agency with a validity period of at least six months in Vietnam since the date of dossier submission;

b/ Having set up an information content management section.

2. Conditions on employees of the technical section

The technical management section must have at least one person satisfying the conditions prescribed in Appendices II and III to this Decree.”

9. To add the following Article 23b:

“Article 23b. Conditions on domain name

1. For organizations or enterprises other than press agencies, the domain name character string must not be identical to or coincident with the names of press agencies.

2. Aggregated information websites and social networks must use at least one “.vn” domain name and store information in the server system with an IP address in Vietnam.

3. Aggregated information websites and social networks of the same organization or enterprise may not use the same domain name.

4. A “.vn” domain name must have the remaining use duration of at least 6 (six) months counting from the time of applying for a license and comply with regulations on management and use of Internet resources. For international domain names, the confirmation of lawful domain name use is required.”

10. To add the following Article 23c:

“Article 23c. Technical conditions for aggregated information websites and social networks

1. Technical conditions.

To establish a technical system meeting the following requirements:

a/ For aggregated information websites: to store aggregated information contents for at least 90 days from the time of publishing; to store published information processing logbooks for at least 2 years;

b/ For social networks: to store information on accounts, login and logout time, users’ IP addresses and published information processing logbooks for at least 2 years;

c/ To receive and process warnings about violating information from users;

d/ To detect, warn and prevent illegal access and website attacks in the Internet environment and satisfy information safety standards;

dd/ To adopt standby plans to maintain safe and uninterrupted operation and deal with possible incidents, except in *force majeure* events as prescribed by law;

e/ To have at least 1 server located in Vietnam which allows inspection, examination, storage and provision of information at any time on all websites and social networks owned by the organization or enterprise as prescribed at Points a, b, c, d and dd of this Clause.

2. In addition to the technical conditions prescribed in Clause 1 of this Article, the technical system for the establishment of a social network must satisfy the following requirements:

a/ To register and store personal information of members, including full name, date of birth, people’s identity card/citizen identification card/passport number and date and place of issue, phone number and

email address (if any). If an Internet user is under 14 years old and has no people's identity card, citizen identification card or passport, his/her lawful guardian shall decide to register his/her own personal information as specified at this Point to show his/her consent and take responsibility before law for that registration;

b/ To verify service users via messages sent to phone numbers or email addresses when registering service use or changing personal information;

c/ To block or remove information violating Clause 1, Article 5 of this Decree at the request of competent state management agencies;

d/ To set up a mechanism for warning members that post violating information (filtering system);

11. To add the following Article 23d:

“Article 23d. Conditions on management of information contents for aggregated information websites and social networks

1. Conditions on information management of aggregated information websites.

a/ To have a public information management process: To determine the scope of sources of information to be used and a mechanism to manage and check information before and after publishing;

b/ To have a mechanism to control information sources to ensure that published aggregated information is true to original sources;

c/ To adopt a coordination mechanism to immediately remove contents violating Clause 1, Article 5 of this Decree within 3 (three) hours after detecting such contents by themselves or at the request of the Ministry of Information and Communications or licensing agency (in writing or by telephone or email).

2. Conditions on information management of social networks:

a/ To have agreements on the provision and use of social network services under Point dd, Clause 2, Article 23dd of this Decree which are published on the homepages of social networks;

b/ To ensure that users agree with the terms on use of online social networks in order to be able to use social network services and utilities;

c/ To adopt a coordination mechanism to immediately remove contents violating Clause 1, Article 5 of this Decree 3 (three) hours at the latest after detecting such contents by themselves or at the request of the Ministry of Information and Communications or licensing agency (in writing or by telephone or email);

d/ To adopt measures to protect the privacy and personal information of users;

dd/ To ensure users' right to permit the collection of his/her personal information or provision of such information to other organizations, enterprises or persons.”

12. To add the following Article 23dd:

“ Article 23dd. Dossiers of application for licenses to establish aggregated information websites and social networks

1. A dossier of application for a license to establish an aggregated information website

A dossier of application for a license shall be made in 1 set, comprising:

a/ An application for a license to establish an aggregated information website, made according to Form No. 23 in Appendix I to this Decree;

b/ A valid copy, which may be a duplicate from the master register or a certified copy or a copy together with the original for comparison, of one of the following papers: enterprise registration certificate; investment registration certificate; establishment decision (or another certificate or license of equivalent validity granted before the effective date of Law No. 67/2014/QH13 on Investment and Law No. 68/2014/QH13 on Enterprises); or operation charter (for mass organizations).

The establishment decision or operation charter must specify functions and tasks relevant to information to be published on the aggregated information website;

c/ An operation plan signed and sealed by the head of the applying organization or enterprise, which must have the following principal contents: information provision purposes; projected information contents and sections; official information sources, printed copy of the homepage and major specialized sections; plans on personnel and technical conditions, and information and finance management to ensure the website's operation, which must comply with Points b, c, d and dd, Clause 5, Article 23 of this Decree; and information on the location of the server system in Vietnam;

d/ Written approval of providers of information sources to ensure the legality of information sources.

2. A dossier of application for a license to establish a social network

A dossier of application for a license shall be made in 1 set, comprising:

a/ An application for a license to establish a social network, made according to Form No. 25 in Appendix I to this Decree;

b/ A valid copy, which may be a duplicate from the master register or a certified copy or a copy together with the original for comparison, of one of the following papers: enterprise registration certificate; investment registration certificate; establishment decision (or another certificate or license of equivalent validity granted before the effective date of Law No. 67/2014/QH13 on Investment and Law No. 68/2014/QH13 on Enterprises), or operation charter (for mass organizations).

The establishment decision or operation charter must specify functions and tasks relevant to the field of information exchanged on the social network;

c/ An operation plan signed and sealed by the head of the applying organization or enterprise, which must contain the following principal contents: types of services and scope and field of exchanged information; plans on personnel and technical issues, information and finance management to ensure the social network's operation, which must comply with Points b, c, d and dd, Clause 5, Article 23 of this Decree; and information on the location of the server system in Vietnam;

d/ An agreement on social network service provision and use, which must cover the following basic contents: contents prohibited from exchange and sharing on the social network; rights and responsibilities of social network service users; rights and responsibilities of the social network-establishing organization or enterprise; mechanism for handling members breaching the agreement; warnings of risks when storing, exchanging and sharing information on the network to users; mechanism to settle complaints and disputes between social network members and the social network-establishing organization or enterprise or other organizations and persons; notice of whether service users' personal data are collected and processed; policy to protect personal information and privacy of social network service users.”

13. To add the following Article 23e:

“Article 23e. Process and procedures for licensing the establishment of aggregated information websites

1. A dossier of application for a license shall be sent directly, by post or online to a competent licensing agency under Clauses 8 and 9, Article 23 of this Decree;

2. Within 10 working days after receiving a valid dossier, a competent agency shall consider and grant a license to establish an aggregated information website, made according to Form No. 24 in Appendix I to this Decree. In case of refusal, it shall issue a written reply clearly stating the reason;

3. Within 5 working days after receiving a valid dossier from a local press agency, the provincial-level Department of Information and Communications shall appraise the dossier and forward it together with its written proposal for licensing to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) for consideration in accordance with law. If the dossier is invalid, the provincial-level Department of Information and Communications shall issue a written reply clearly stating the reason.”

14. To add the following Article 23g:

“Article 23g. Process and procedures for licensing the establishment of social networks

1. A dossier of application for a license shall be sent directly, by post or online to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information).

2. Within 30 days after receiving a valid dossier, the Ministry of Information and Communications shall consider and grant a license, made according to Form No. 26 in Appendix I to this Decree. In case of refusal, it shall issue a written reply clearly stating the reason.”

15. To add the following Article 23h:

“Article 23h. Modification, extension and re-grant of licenses to establish aggregated information websites or social networks

1. Competent licensing agencies specified in Clauses 7, 8 and 9, Article 23 of this Decree, may decide to modify, re-grant, extend and revoke licenses.

2. Procedures for modifying licenses

a/ A licensed organization or enterprise shall carry out procedures to modify the license to establish its aggregated information website or social network when changing its name; changing the location of the server in Vietnam; changing responsible staff; changing or supplementing information contents, fields of provided information (domain name for provision on the website, the application distribution system for mobile devices) for aggregated information websites; changing types of services and scope of service provision (domain name

for provision on the website, the application distribution system for mobile devices) for social networks;

b/ The organization or enterprise shall send a written request specifying the content of and the reason for such modification together with relevant supporting documents to the licensing agency;

c/ Within 10 working days after receiving a valid dossier, a competent licensing agency shall appraise it and modify the granted license. In case of refusal, it shall issue a written reply clearly stating the reason.

3. Extension of licenses

a/ At least 30 days before its license expires, an organization or enterprise wishing to have its license extended shall send a written request for extension specifying the extension time;

b/ Within 10 working days after receiving a valid request, a competent licensing agency shall appraise it and extend the granted license. In case of refusal, it shall issue a written reply clearly stating the reason;

c/ A license may be extended twice at most, with each extension not exceeding 2 years.

4. Re-grant of licenses

a/ If its license is lost or unusably damaged, the licensed organization or enterprise shall send to the licensing agency a written request for re-grant of the license, clearly stating the license number, date of grant and the reason for re-grant, together with the damaged license (if any);

b/ Within 10 working days after receiving a written request, the licensing agency shall consider re-granting a license. In case of refusal, it shall issue a written reply clearly stating the reason.

5. When a licensed aggregated information website or social network has its owner or head office address changed, such change shall be notified to the licensing agency within 10 working days from the date of change. The notice must contain the name of the organization or enterprise; the license number and the changed contents.

The receiving agency shall send a written receipt to the organization or enterprise within 7 working days after receiving the notice.”

16. To add the following Article 23i:

“Article 23i. Order and procedures for suspension or revocation of licenses for aggregated information websites or social networks

1. The licensing agency shall issue a decision to suspend a license for an aggregated information website or a social network if the licensed organization or enterprise violates Point a, Clause 11, Article 23 of this Decree.

2. The licensing agency shall send a written request to the organization or enterprise for remedying its violations specified at Point b, Clause 11, Article 23 of this Decree. After 10 working days past the time limit notified in the request if the organization or enterprise fails to remedy its violations, the licensing agency shall issue a decision to suspend the license.

3. The licensing agency shall issue a decision to revoke the license if the licensed organization or enterprise violates Clause 12, Article 23 of this Decree”.

17. To add the following Article 31a:

“Article 31a. Player age-based classification of electronic games

1. Electronic games shall be classified based on player age as follows:

a/ Electronic games for adults (from 18 years of age or older or 18+) means those games involving fighting with weapons but without pornographic acts, sounds and images;

b/ Electronic games for teenagers (from 12 years of age and older or 12+) means those games involving fighting with weapons which cannot be seen clearly in close-ups; with reduced sounds of weapon clashes in the fighting; without characters with scanty clothing and pornographic acts, images and sounds and close-ups on sensitive parts of the body;

c/ Electronic games for all ages (00+) means animated cartoon games containing no fighting with weapons; no ghostly, horrific or violent sounds and images; no characters with scanty clothing or pornographic acts, images, sounds and close-ups on sensitive parts of the body.

2. Responsibilities of electronic game service providers in player age-based game classification:

a/ To self-classify electronic games based on player age as defined in Clause 1 of this Article;

b/ To display the results of player age-based classification of electronic games in the dossier of application for approval of contents and scenarios of G1 electronic games and the dossier of announcement of the provision of G2, G3 and G4 electronic game services. The age-based classification of electronic games shall be appraised for G1 electronic games;

c/ To display the results of player age-based classification of electronic games on the top left corner of the advertisement frame and the screen while players are using electronic game services.

3. When there is a ground to conclude that the enterprise's player age-based classification of electronic games for G2, G3 and G4 electronic games is not conformable with Clause 1 of this Article, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a written request to the enterprise for re-adjustment of the classification within 10 working days.

If the enterprise fails to adjust its player age-based classification of electronic games, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a written request to the enterprise for suspending the game service provision and taking measures to ensure player rights. Within 10 working days after the issuance of the written request if the enterprise fails to stop its provision as requested, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall revoke its registration certificate of electronic game service provision.”

18. To amend and supplement Article 32 as follows:

a/ To amend and supplement Clauses 1, 2 and 3 and add Clause 3a as follows:

“1. An enterprise may be licensed to provide G1 online game services when fully meeting the following conditions:

a/ Having been established in accordance with Vietnamese law and having its online game service provision business line published on the national business registration portal;

b/ Having registered domain names for service provision;

c/ Having sufficient financial and technical capacity and employees suitable to the operation scale and conformable with Articles 32a and 32b of this Decree;

d/ Having measures to ensure information safety and security.

2. The validity duration of a license to provide G1 online game services depends on the request of the enterprise, but must not exceed 10 years.

3. The Ministry of Information and Communications shall suspend a license to provide G1 online game services if the licensed organization or enterprise:

a/ Violates Point d, dd or e, Clause 1, Article 5 of this Decree;

b/ Fails to satisfy the conditions prescribed in Articles 32a and 32b of this Decree after the Ministry of Information and Communications made a written request for remediation.

The order and procedures for suspension must comply with Article 32k of this Decree.

3a. The Ministry of Information and Communications shall revoke a license to provide G1 online game services if the licensed organization or enterprise violates Point a, b or c, Clause 1, Article 5 of this Decree or has its license suspended twice under Clause 3 of this Article.

The order and procedures for license revocation must comply with the corresponding process specified in Article 32k of this Decree.”

b/ To remove the word “conditions” in Clause 4.

19. To add the following Article 32a:

“Article 32a. Conditions on organizational structure and employees for provision on G1 online game services

1. Having a head office with a clear address and telephone number.

2. Having a team of electronic game administrators suitable to the operation scale, ensuring at least one person in charge of 2 servers.”

20. To add the following Article 32b:

“Article 32b. Conditions on G1 electronic game service provision techniques

1. An electronic game service provision system of an enterprise must satisfy the following conditions:

a/ To be capable of storing and updating personal information of players, including full name, date of birth, permanent residence address, people’s identity card/citizen identification card/passport number, date and place of issue, phone number and email address (if any). In case a player aged under 14 without an identity card, a citizen identification card or a passport, his/her lawful guardian shall decide to register his/her

personal information to show his/her consent and shall bear responsibility before law for such registration;

b/ The payment control system for electronic games of the enterprise is located in Vietnam and connected with Vietnam's payment support service providers, ensuring accurate and sufficient update and storage and allowing players to search for detailed information on their payment accounts;

c/ To manage players' playtime from 00:00 to 24:00 hours daily and ensure the total playtime of all G1 electronic games for each under-18 player must not exceed 180 minutes per day;

d/ To continuously display the player age-based electronic game classification for all games provided by enterprises during the game introduction, advertising or online game service provision; to have the warning "Playing for more than 180 minutes a day will badly affect your health" in noticeable positions of the games' forums or on players' computer screens during the games.

2. Having a plan to ensure service quality and player rights.

3. Having technical and professional methods for managing game forum contents (if any) as specified in Clause 2, Article 23d of this Decree.

4. Having a standby plan on equipment and connection and a data backup plan to ensure the system safety when incidents occur.

5. Having a plan to ensure information safety and security and protect privacy and personal information of players."

21. To add the following Article 32c:

"Article 32c. Conditions on the issuance of decisions approving contents and scenarios of G1 electronic games

1. A decision approving electronic game contents and scenarios shall be issued to an enterprise that fully meets the following conditions:

a/ The license to provide electronic game services remains valid for at least 1 year;

b/ The contents and scenarios of the electronic games do not violate Clause 1, Article 5 of this Decree; do not contain images or sounds that depict in detail acts of murder or torture, incite violence and brutality; are erotic and vulgar, contrary to traditional ethics and culture and national fine customs; or distort and undermine the history, violate national sovereignty and territorial integrity, incite suicide, use of drug, alcohol and tobacco, gambling, terrorism, women and children maltreatment, abuse and trafficking, and other harmful or banned acts;

c/ Electronic games are classified based on age in conformity with game contents and scenarios as specified in Clauses 1 and 2, Article 31a of this Decree;

2. Having measures to manage players' account information satisfying the following requirements:

a/ To directly and synchronously connect with the players' personal information management system;

b/ To directly and synchronously connect with the enterprise's game service payment system;

c/ To fully store and continuously and accurately update information on the players' service use including account name, the period of service use and information relating to their possession of virtual items, virtual units and bonus points.”

22. To add the following Article 32d:

“Article 32d. Dossiers of application for licenses to provide G1 electronic game services

A dossier of application for a license to provide G1 electronic game services must comprise:

1. A written application for the license, made according to Form No. 15 in Appendix I to this Decree.

2. A valid copy, which may be a duplicate from the master register, a certified copy or a copy with the original for comparison, of the enterprise registration certificate or investment certificate (or another certificate or license of equivalent validity granted before the effective date of Law No. 67/2014/QH13 on Investment and Law No. 68/2014/QH13 on Enterprises).

3. A written confirmation of lawful domain name use for international domain names.

4. A scheme on the provision of G1 electronic game services containing:

a/ A plan to provide services, stating the financial capacity, organizational structure, employees and techniques that satisfy the conditions mentioned at Points b, c, and d, Article 32 of this Decree;

b/ An overall diagram of the service provision system and the location of the system;

c/ Detailed description of main and standby parts of the service provision system, including name, functions and expected configuration of each device;

d/ Detailed information on modes and scope of service provision; Internet and telecommunications network linking plans (enterprise name, domain name, IP address, capacity of connection and game distribution channels);

dd/ Detailed description of a game payment system and a plan to connect with Vietnam-based payment supporting service providers (enterprise's name, linking methods, rights and responsibilities of parties);

e/ An Internet resources use plan;

g/ A plan to ensure service quality and player interests;

h/ Detailed description of the equipment system (hardware and software) monitoring the operation of the service provision system; a data backup plan and an equipment and linkage standby scheme; the process of service operation, exploitation, provision and use; a plan to protect privacy and personal information security of players;

i/ Detailed description of the equipment system (hardware, software) to ensure information security and safety, protect privacy and personal information of players; a mechanism of coordination with relevant agencies in ensuring information security and safety.”

23. To add the following Article 32dd:

“Article 32dd. Process and procedures for licensing G1 electronic game service provision

1. Enterprises shall send one set of original dossier of application for a license to provide G1 electronic game services to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

2. Within 30 days after receiving a valid dossier, the Ministry of Information and Communications shall consider and grant a license for G1 online game service provision, made according to Form No. 16 in Appendix I to this Decree. In case of refusal, it shall issue a written reply clearly stating the reason.”

24. To add the following Article 32e:

“Article 32e. Modification, extension and re-grant of licenses to provide G1 electronic game services

1. An enterprise shall carry out procedures for requesting modification of its license to provide G1 electronic game services within 10 days when:

a/ Changing its name;

b/ Changing the name of its at-law representative.

An enterprise may carry out procedures for requesting modification of its granted license together with procedures for requesting modification of the decision approving contents and scenarios of G1 electronic games.

2. An enterprise shall submit 1 set of original dossier of request for modification of its license to provide G1 electronic games to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

3. A dossier of request for modification of a license to provide G1 electronic game services must comprise:

a/ A written request for modification of a license to provide G1 electronic game services, clearly specifying the contents and reasons for modification;

b/ Documents explaining the modification.

4. Within 10 working days after receiving a valid dossier, the Ministry of Information and Communications shall consider and grant the modified license. In case of refusal, it shall issue a written reply clearly stating the reason. The validity period of the modified license is the remaining validity period of the old one.

5. Within 5 working days before changing the address of its head office, transaction office, server location or hiring place, the enterprise is not required to carry out procedures for modifying its license to provide G1 electronic game services but shall notify such change in writing to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) and the provincial-level Information and Communications Department of the locality where its registered head office is located. The notice contains the enterprise name, license number and changed contents.

The receiving agency shall send a written receipt to the enterprise within 7 working days after receiving the notice.

6. A licensed enterprise shall notify in writing changes in their organizational structure due to its division, splitting, consolidation, merger or transformation in accordance with the law on enterprises or changes in capital contribution leading to changes in partners (or shareholders) with contributed capital accounting for 30% or higher of its charter capital to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) and the provincial-level Department of Information and Communications of the locality where its head office is located within 10 working days after obtaining a decision on changes. The notice must contain the enterprise name, license number and changed contents.

The receiving agency shall send a written receipt to the enterprise within 7 working days after receiving a written notice.

7. Re-grant of a license to provide G1 electronic game services in case it is lost or unusably damaged.

a/ If its license to provide G1 online game services is lost or unusably damaged, an enterprise shall send a written request for re-grant of the license to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) directly, by post or online;

b/ A written request for re-grant of the license must state the name and address of the enterprise; number, place and date of grant of the enterprise registration certificate; number, date of grant and effective date of the granted license; reasons for re-grant; and the enterprise's commitments on the information provided in the written request;

c/ Within 10 working days after receiving a valid request, the Ministry of Information and Communications shall consider and re-grant the license to the enterprise. In case of refusal, it shall issue a written reply clearly stating the reason.

8. Extension of licenses

a/ Before its license expires, an enterprise that does not carry out the procedures for re-grant but wishes to continue its operation shall carry out procedures for extension. A license may be extended once for no more than 1 year;

b/ The enterprise shall send a written request for extension of the license and a copy of the original license to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) directly, by post or online;

c/ A written request for extension of the license must state the name and address of the enterprise; number, place and date of grant of the

enterprise registration certificate; number, date of grant and the effective date of the granted license; reasons for extension, and the enterprise's commitments on the information provided in the written request;

d/ Within 10 working days after receiving a valid written request for extension of the license, the Ministry of Information and Communications shall consider and decide to extend the license. In case of refusal, it shall issue a written reply clearly stating the reason.”

25. To add the following Article 32g:

“Article 32g. Dossiers of request for approval of G1 electronic game contents and scenarios

A dossier of request for approval of the content and scenario for each G1 electronic game must comprise:

1. A written request for approval of the game content and scenario, made according to Form No. 17 in Appendix I to this Decree, together with the enterprise's commitment to exercise its rights and fulfill its obligations as specified in Article 34 of this Decree.

2. A legal copyright certificate and an agreement on the enterprise's provision of electronic games in Vietnam (valid copies, which may be a duplicate from the master register or a certified copy of the legal copyright certificate and the agreement on the enterprise's provision of electronic games in Vietnam. If the certificate and the agreement are in a foreign language, their certified Vietnamese translations are required).

3. Detailed description of electronic game contents and scenarios:

a/ The name and origin of the electronic game;

b/ Detailed scenario and content of the game; the system of characters and tasks, map (diagram); the system of virtual items and virtual units, services, bonus points; interactive activities; fighting among characters; charge collection method, and released version;

c/ Methods and results of aged-based classification of electronic games of the enterprise.

4. A technical plan must state:

a/ The specific address where the service provision system is located and the name of the server hosting service provider (if hiring the server location place);

b/ A detailed description of the players' personal information management system as specified in Clause 2, Article 32c of this Decree.

5. Devices recording specific game images, actions and sounds: images of some characters, items and equipment for characters; images

and actions of characters performing tasks mainly at five highest levels (if any); typical fighting actions among characters.”

26. To add the following Article 32h:

“Article 32h. Process and procedures for the issuance of decisions approving G1 electronic game contents and scenarios

1. Enterprises shall send 1 set of original dossier of request for issuance of a decision approving G1 electronic game contents and scenarios to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

2. Within 25 days after receiving a valid dossier, the Ministry of Information and Communication shall appraise the dossier and issue a decision approving G1 electronic game contents and scenarios to the enterprise, made according to Form No. 18 in Appendix I to this Decree. In case of refusal, it shall issue a written reply clearly stating the reason.

3. Procedures for notification specified in Article 32dd of this Decree are not required for electronic games that are classified as concurrently G1, G2, G3 and G4 electronic games for which decisions approving their contents and scenarios have been issued.”

27. To add the following Article 32i:

“Article 32i. Modification and re-issuance of decisions approving G1 electronic game contents and scenarios

1. An enterprise shall carry out procedures for requesting modification of the decision approving G1 electronic game contents and scenarios when:

a/ Changing the name of the electronic game;

b/ Updating or upgrading a new version with changes in or addition to game contents and scenarios compared to the version already approved.

2. Enterprises shall send 1 set of original dossier of request for modification of the decision to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

3. A dossier of request for modification of the decision approving the contents and scenarios of G1 electronic games must comprise:

a/ A written request for modification of the decision approving the contents and scenarios of G1 electronic games, clearly specifying the contents and reasons for modification;

b/ Detailed description of the to-be-modified contents and relevant supporting documents.

4. Within 10 working days after receiving a valid dossier, the Ministry of Information and Communications shall appraise the dossier and grant a decision on modification to the enterprise. In case of refusal, it shall issue a written reply clearly stating the reason.

5. Within 5 working days before changing the approved method and scope of G1 electronic game service provision (domain names for games provided on websites, distribution channels for games provided on mobile phones), an enterprise is not required to carry out procedures for modifying the decision but shall notify such change in writing to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) and the provincial-level Department of Information and Communications of the locality where its registered head office is located. The notice must contain the enterprise name, license number and changed contents.

The receiving agency shall send a written receipt to the enterprise within 7 working days after receiving the notice.

6. Re-issuance of decisions

a/ If the decision approving G1 electronic game contents and scenarios is lost or unusably damaged, an enterprise shall send to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) a written request for re-issuance of the decision, clearly stating the decision number, date of issuance and the reason for re-issuance.

b/ Within 10 working days after receiving a written request, the Ministry of Information and Communications shall consider and re-issue a decision. In case of refusal, it shall issue a written reply clearly stating the reason.”

28. To add the following Article 32k:

“Article 32k. Order and procedures for suspension and revocation of licenses to provide G1 online game services

1. The Ministry of Information and Communications shall issue a decision to suspend a license to provide G1 online game services if the licensed organization or enterprise violates Point a, Clause 3, Article 32 of this Decree.

2. The Ministry of Information and Communications shall issue a written request to the licensed organization or enterprise to remedy its violations specified at Point b, Clause 3, Article 32 of this Decree. After 10 working days past the time limit notified in the request if the latter fails to remedy its violations, the Ministry of Information and Communications shall issue a decision to suspend its license.

3. The Ministry of Information and Communications shall issue a decision to revoke a license if the licensed organization or enterprise violates Point 3a, Article 32 of this Decree.”

29. To amend and supplement Article 33 as follows:

“Article 33. Conditions for registering the provision of G2, G3 and G4 game services

1. Being an enterprise established in accordance with Vietnamese law and having its business line of online game service provision published on the national business registration portal;

2. Having registered domain names for service provision, in case of online service provision.

3. Conditions on employees providing online game services:

a/ Having a head office with a clear address and contact phone number;

b/ Having a team of online game administrators suitable to the operation scale and form of service provision.

4. Having sufficient financial capacity to provide online game services suitable to the operation scale.

5. Technical conditions for providing G2, G3, G4 game services:

a/ The enterprise’s payment control system for electronic games (if any) is located in Vietnam and connected to Vietnam’s payment supporting service providers, ensures the accuracy and adequacy and allows players to search for details of their payment accounts;

b/ Having a plan to ensure service quality and player interests;

c/ Having measures to ensure information security and safety.”

30. To add the following Article 33a:

“Article 33a. Dossiers of application for registration certificates of G2, G3, G4 electronic game service provision

A dossier of application for a registration certificate of G2, G3, G4 electronic game service provision must comprise:

1. An application for a registration certificate of electronic game service provision, made according to Form No. 19 in Appendix I to this Decree.

2. A valid copy, which may be a duplicate from the master register, a certified copy or a copy with the original for comparison, of the enterprise registration certificate or investment certificate (or another certificate or license of equivalent validity granted before the effective date of Law No. 67/2014/QH13 on Investment and Law No. 68/2014/QH13 on Enterprises).

3. A written confirmation of legal domain name use for international domain names.

4. A scheme on provision of electronic game services conformable with Clauses 2, 3, 4 and 5 of Article 33 of this Decree, which must contain:

a/ Service, employees and financial provision plans suitable to the operation scale;

b/ An overall diagram of the service provision equipment system and location for installation of the service provision and Internet connection equipment systems;

c/ Information on the main and standby service provision equipment, including names, functions and configuration;

d/ Detailed information on methods and scope of service provision: Internet (IP address, domain names), mobile telecommunications network (expected game distribution channels);

dd/ Service payment methods, types of payment cards and enterprises cooperating in service payment (enterprise name, payment method);

e/ Measures to ensure service quality and player interests.”

31. To add the following Article 33b:

“Article 33b. Process and procedures for granting registration certificates of G2, G3 and G4 electronic game service provision

1. Enterprises shall send 1 set of original dossier of application for a registration certificate of G2, G3 and G4 electronic game service provision to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

2. Within 20 days after receiving a valid dossier, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall consider and grant a registration certificate of electronic game service provision to the applicant, made according to Form No. 20 in Appendix I to this Decree. In case of refusal, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a written reply clearly stating the reason.”

32. To add the following Article 33c:

“Article 33c. Modification and re-grant of registration certificates of G2, G3 and G4 electronic game service provision

1. An enterprise shall carry out procedures for requesting modification of its granted registration certificate of G2, G3 and G4 electronic game service provision when:

a/ Changing its name;

b/ Changing the name of its at-law representative.

2. Enterprises shall send 1 set of original dossier of request for modification of a registration certificate of G2, G3 and G4 electronic game service provision to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

3. A dossier of request for modification of a registration certificate of G2, G3 and G4 electronic game service provision must comprise:

a/ A written request for modification of a registration certificate of G2, G3 and G4 electronic game service provision, clearly specifying the to-be-modified contents;

b/ Documents explaining the modification.

4. Within 10 working days after receiving a valid dossier, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall consider and grant the modified certificate. In case of refusal, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a written reply clearly stating the reason.

5. Within 5 working days before changing its domain name upon the provision of electronic game services on websites (Internet), game distribution channels (mobile telecommunications network), genres of games (G2, G3, G4); or changing the head office address, an enterprise is not required to carry out procedures for modifying its registration certificate of G2, G3 and G4 electronic game service provision but shall notify such change in writing to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) and the provincial-level Department of Information and Communications of the locality where its registered head office is located. The notice must contain the enterprise name, certificate number and changed contents.

The receiving agency shall send a written receipt to the enterprise within 7 working days after receiving the notice.

6. A licensed enterprise shall notify in writing of changes in its organizational structure due to its division, splitting, consolidation, merger or transformation in accordance with the law on enterprises or changes in capital contribution leading to changes in partners (or shareholders) with contributed capital accounting for 30% or higher of its charter capital to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) and the provincial-level Department of Information and Communications in the locality where its registered head office is located within 5 working days after obtaining a decision on changes. The notice must contain the name of the enterprise, the certificate number and the changed contents.

The receiving agency shall send a written receipt to the enterprise within 7 working days after receiving a written notice.

7. Re-grant of registration certificates of G2, G3 and G4 electronic game service provision if the certificates are lost or unusably damaged

a/ If its registration certificate of G2, G3 and G4 electronic game service provision is lost or unusably damaged, an enterprise shall send to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) a written request for re-grant of the certificate, clearly stating its name and address; its registration certificate's number, place and date of grant; the granted certificate's

number and date of grant; the reason for re-grant and its commitment on the information stated in the request.

b/ Within 10 working days after receiving a written request, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall consider and re-grant a certificate. In case of refusal, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a written reply clearly stating the reason.”

33. To add the following Article 33d:

“Article 33d. Suspension and revocation of registration certificates of G2, G3 and G4 game service provision

1. The Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall suspend a registration certificate of G2, G3 and G4 online game service provision if the certificate-holding organization or enterprise:

a/ Violates Point d, dd or e, Clause 1, Article 5 of this Decree;

b/ Fails to satisfy the conditions specified in Clauses 3, 4 and 5, Article 33 of this Decree after the Ministry of Information and Communications made a written request for remediation.

2. The Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall revoke a registration certificate of G2, G3 and G4 online game service provision if the certificate- holding organization or enterprise violates Point a, b or c, Clause 1, Article 5 of this Decree or has its certificate suspended for two consecutive times as prescribed in Clause 1 of this Article.

3. Order and procedures for suspension and revocation of registration certificates of G2, G3 and G4 electronic game service provision

a/ The Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a written request to the organization or enterprise to remedy its violations specified in Clause 1, Article 33d of this Decree. After 10 working days past the time limit notified in the request if the organization or enterprise fails to remedy its violations, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a decision to suspend its registration certificate.

b/ The Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall issue a decision to

revoke a certificate if the certificate holder violates Point 2, Article 33d of this Decree.”

34. To add the following Article 33dd:

“Article 33dd. Announcement of the provision of G2, G3 and G4 electronic game services

1. At least 30 working days before the official announcement of the provision of G2, G3 and G4 electronic game services, an enterprise shall send its announcement of every to-be-provided electronic game, made according to Form No. 21 in Appendix I to this Decree, to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information):

a/ Directly;

b/ By post; or

c/ Online.

2. Within 10 working days after receiving a valid announcement, the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) shall send a written receipt, made according to Form No. 22 in Appendix I to this Decree. Past this time limit, if receiving no opinion from the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information), the enterprise may proceed with providing the games from the date proposed in the announcement.

3. Enterprises shall send an additional notice to the Ministry of Information and Communications (the Authority of Broadcasting and Electronic Information) if there are any of the following changes in the following contents during the online game service provision:

a/ Name of the game;

b/ The age-based classification of electronic games;

c/ Genres of electronic games being provided (G2, G3 and G4);

d/ Scope and methods of service provision: domain name, IP address (on websites); game distribution channel (for mobile devices).”

35. To amend and supplement Article 35 as follows;

“1. Organizations and individuals may only set up public gaming points after obtaining a certificate of eligibility to operate public gaming points.

2. A certificate of eligibility to operate public gaming points shall be granted to organizations and individuals that fully meet the following conditions:

a/ Having registered the operation of public gaming points;

b/ The public gaming point is located at least 200 m away from the main gates or auxiliary gates of primary schools, lower and higher secondary schools; multi-grade general schools, continuing education centers, ethnic minority boarding and semi-boarding schools, measured from its main gate or auxiliary gate;

c/ Displaying the signboard “Public gaming point”, displaying the name, address, contact phone number and business registration certificate number. If a public gaming point is also an Internet agent, the signboard must also contain the words “Internet agent”. If a public gaming point is also a public Internet access point; the signboard must also contain the words “public Internet access point”;

d/ The total area of computer rooms of a public gaming point is at least 50 m², if it is located in urban areas of special class, class I, class II or class III, at least 40 m², if it is located in urban areas of class IV or class V, or at least 30 m² for other areas;

dd/ Ensuring sufficient light in the computer rooms;

e/ Having equipment for and rules on fire prevention and fighting according to fire and explosion prevention and fighting regulations of the Ministry of Public Security;

g/ Paying a fee for the grant of a certificate of eligibility to operate public gaming points.

3. The certificate-granting agencies include provincial-level Information and Communications Departments or district-level People’s Committees assigned by provincial-level People’s Committees to take charge of the grant, modification, extension, re-grant and revocation of certificates of eligibility to operate public gaming points.

4. Provincial-level People’s Committees

a/ To guide in detail types of urban areas in the locality for application of the condition on total area of computer rooms specified at Point d, Clause 2, Article 35 of this Decree;

b/ To appraise dossiers, conduct on-site inspections and grant, modify, extend, re-grant and revoke certificates of eligibility to operate public gaming points;

c/ To assign provincial-level Departments of Information and Communications or district-level People's Committees to perform the functions of certificate-granting agencies;

d/ To instruct provincial-level Departments of Information and Communications to post on their websites the list of public gaming points with granted eligibility certificates and those having their eligibility certificates revoked in the localities; the list of G1 games of which the contents and scenarios have been approved and those of which the decisions approving their contents and scenarios have been revoked; to inform owners of public gaming points in the locality of the list of G1 games of which the contents and scenarios have been approved and those of which the decisions approving their contents and scenarios have been revoked; to assume the prime responsibility for, and coordinate with district-level People's Committees in disseminating laws, managing, inspecting, examining and handling violations of public Internet access points and public gaming points in the localities; before December 15 every year to report to the Ministry of Information and Communications on the issues specified in Form No. 14 in Appendix I to this Decree.

5. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Information and Communications in, setting fees for the grant of certificates of eligibility to operate public gaming points.”

36. To add the following Article 35a:

“Article 35a. Certificates of eligibility to operate public gaming points

1. A certificate of eligibility to operate public gaming points is valid for 3 years.

2. A certificate of eligibility to operate public gaming points contains:

a/ Name of the public gaming point and its detailed address consisting of number of house/village/street, commune/ward/township, district/town/city, province/centrally run city;

b/ Business registration certificate number of the public gaming point;

c/ Full name, people's identity card number, phone number, email address of the owner of public gaming point, for private owners; full name, people's identity card/citizen identification card/passport number, phone number, email address of an individual representing the organization or enterprise directly managing the public gaming point, for the owner being an organization or enterprise;

- d/ The validity duration of the certificate;
- dd/ The total area of computer rooms;
- e/ Rights and obligations of the owner of public gaming points.

3. The certificate of eligibility to operate public gaming points shall be made according to Form No. 3 or No. 4 in Appendix I to this Decree.”

37. To add the following Article 35b:

“Article 35b. Procedures for granting certificates of eligibility to operate public gaming points

1. A dossier of application for a certificate of eligibility to operate public gaming points

Applicants for certificates of eligibility to operate public gaming points shall send the certificate-granting agency directly or by post 1 dossier set which must comprise:

a/ An application for a certificate, made according to Form No. 5 or No. 6 in Appendix I to this Decree;

b/ A certified copy of the business registration of the public gaming points;

c/ A certified copy of the people’s identity card/citizen identification card/passport of the owner of public gaming points, for private owners; a certified copy of the people’s identity card/citizen identification card/passport of an individual representing the organization or enterprise directly managing public gaming points, for owners being organizations or enterprises.

2. Time limit and procedures for dossier processing.

Within 10 working days after receiving a dossier as specified in Clause 2 of this Article, the certificate-granting agency shall appraise the dossier, conduct on-site inspections and grant a certificate of eligibility to operate public gaming points. In case of refusal, it shall issue a written reply clearly stating the reason to the applicant.

3. For points which have already been granted eligibility certificates; at least 20 days prior to the expiry date of the certificates, the owner wishing to continue the business shall carry out procedures to apply for a new certificate under Clauses 2 and 3 of this Article.”

38. To add the following Article 35c:

“Article 35c. Procedures for modifying certificates of eligibility to operate public gaming points

1. Within the validity duration of the certificate of eligibility to operate public gaming points, the owner of public gaming points shall carry out procedures for requesting modification of his/her certificate in the following cases:

a/ Changing the name of the public gaming point;

b/ Changing the owner of the public gaming point, for private owners, or changing the direct manager of the public gaming point, for owners being organizations or enterprises.

2. Dossiers of request for modification of certificates of eligibility to operate public gaming points

Organizations or individuals shall send the certificate-granting agency directly or by post 1 set of dossier of request for modification of a certificate of eligibility to operate public gaming points. It must comprise:

a/ A written request for modification of a certificate, made according to Form No. 07 or No. 08 in Appendix I to this Decree;

b/ Documents relating to changed information (if any).

3. Time limit and procedures for dossier processing

Within 5 working days, the certificate-granting agency shall appraise the dossier and grant a modified certificate of eligibility to operate public gaming points to replace the old one. In case of refusal, it shall issue a written reply clearly stating the reason.

4. The validity duration of the modified certificate equals the remaining validity duration of the old one.”

39. To add the following Article 35d:

“Article 35d. Extension and re-grant of certificates of eligibility to operate public gaming points

1. For public gaming points that wish to continue their operation under the granted eligibility certificate but do not carry out procedures to apply for a new certificate as prescribed in Article 35b of this Decree, at least 20 days before the expiry date of the certificate, their owners shall send the certificate-granting agency directly or by post 1 set of dossier of request for certificate extension. It must comprise:

a/ A written request for extension, made according to Form No. 09 or No. 10 in Appendix I to this Decree;

b/ A certified copy of the people’s identity card/citizen identification card/passport of the private owner.

2. Within 5 working days, the certificate-granting agency shall appraise and issue a decision to extend the certificate of eligibility to operate public gaming points, made according to Form No. 11 in Appendix I to this Decree. In case of refusal, it shall issue a written reply clearly stating the reason.

3. A certificate of eligibility to operate public gaming points may be extended once for no more than 6 months.

4. In case the certificate of eligibility to operate public gaming points is lost, torn, burnt or otherwise destroyed, the owner of public gaming points shall send the certificate-licensing agency directly or by post an application for re-grant of the certificate, made according to Form No. 12 or No. 13 in Appendix I to this Decree. Within 5 working days, the certificate-granting agency shall re-grant the certificate.

In case of refusal, it shall issue a written reply clearly stating the reason.”

40. To add the following Article 35dd:

“Article 35dd. Revocation of certificates of eligibility to operate public gaming points

1. An owner of a public gaming point may have his/her certificate of eligibility to operate public gaming points revoked when:

a/ Committing deceitful acts or providing false information in order to be granted the certificate;

b/ Changing the total area of computer rooms but failing to satisfy the condition prescribed at Point d, Clause 2, Article 35 of this Decree;

c/ Six months after obtaining a written notice of the certificate-granting agency of the public gaming point’s failure to satisfy the conditions on the distance specified at Point b, Clause 2, Article 35 of this Decree because a school or a continuing education center specified at Point b, Clause 2, Article 35 of this Decree is put into operation or for another objective reason.

2. One year after having the certificate of eligibility to operate public gaming points revoked under Point a, Clause 1 of this Article, the public gaming point owner may apply for a new certificate if satisfying the prescribed conditions. If having the certificate revoked under Point b or c, Clause 1 of this Article, the public gaming point owner may apply for a new certificate after satisfying the prescribed condition.”

41. To amend and supplement Clause 3, Article 36 as follows:

“3. To post up the regulations on the use of online game services at noticeable positions, showing the prohibitions specified in Article 5 of

this Decree and the rights and obligations of Internet users and players specified in Articles 10 and 37 of this Decree.”

Article 2. Effect.

1. This Decree takes effect on April 15, 2018.

2. On the effective date of this Decree, the following regulations will cease to be effective:

a/ The Minister of Information and Communication’s Circular No. 23/2013/TT-BTTTT of December 24, 2013, prescribing the management of public Internet access points and public gaming points;

b/ Clauses 6 and 13 of Article 2; Clauses 2 and 3, Article 7; Article 9; and Article 21, of the Minister of Information and Communications’ Circular No. 24/2015/TT-BTTTT of August 18, 2015, prescribing the management and use of Internet sources;

c/ Clauses 2, 5, 6 of Article 2; Article 3; Article 4; Article 5; Article 6; Points a and b of Clause 1, Clauses 2 and 3 of Article 7; Article 8; and Clauses 1, 2, 5 and 6, Article 10, of the Minister of Information and Communications’ Circular No. 09/2014/TT-BTTTT of August 19, 2014, prescribing in detail the management, provision and use of information on websites and social networks;

d/ Clause 1 of Article 3; Article 4; Articles 12 thru 26; and Clauses 1 thru 8, Article 27, of the Minister of Information and Communications’ Circular No. 24/2014/TT-BTTTT of December 29, 2014, prescribing in detail the management, provision and use of online games.

3. Ministers, heads of ministerial agencies, heads of government-attached agencies, heads of central agencies, chairpersons of provincial-level People’s Committees, and related organizations shall implement this Decree.-

On behalf of the Government
Prime Minister
NGUYEN XUAN PHUC

** All appendices to this Decree are not translated*