

Regulations on production, export, import, circulation and business of audio and video tapes and discs on music and stage performances

(Issued attached to Decision 55/1999/QD-BVHTT on 5 August 1999 by

the Minister of Culture and Information)

Chapter I

General Provisions

Article 1. The Regulations shall stipulate the production, export, import, circulation and business of audio tapes (cassette tapes), audio discs (CD, CD-ROM), visual tapes (video tapes), visual discs (VCD, DVD, CD-ROM), and other categories of tapes and discs on music and stage performances (hereinafter collectively called "tapes and discs on music and stage performances").

The term "music" referred to in the Regulations includes singing, dance, music and karaoke.

The term "performances" referred to in the Regulations include all kinds of stage performances.

Producers, exporters, importers, distributors and dealers of tapes and discs shall obey the related regulations stipulated in Decree 87/CP on 12 December 1995 by the Government on strengthening the management of cultural activities and services, on enhancing the eradication of some worst social evils, the Regulations and other related legal documents.

Article 2. The State shall encourage the production, export, import, circulation and business of tapes and discs of healthy contents and high technical quality in order to meet the people's demands for cultural enjoyment and promoting cultural exchange with other countries.

Article 3. The following actions shall be strictly prohibited:

1. The production of tapes and discs with the contents:

a. To destroy the Socialist Republic of Vietnam and the all-people's unity;

b. To incite violence and aggressive war; to cause feud among different nations and peoples; to popularize reactionary thoughts and culture, obscenity, debauchery, criminal actions, social evils, superstitions, to destroy good habits and customs;

c. To reveal the Party and State secrets in the fields of military, security, economy, foreign affair; citizens' privacy and other secrets specified by laws;

d. To distort history and disclaim revolutionary achievements, to outrage great celebrities and national heroes, to slander and infringe upon the prestige of organizations and the honor and dignity of citizens;

2. The use of Vietnamese songs composed prior to 1945 within Vietnam, prior to 1954 in the enemy-occupied areas, and prior to 1975 in the South to produce tapes and discs without the permission of the Ministry of Culture and Information and to popularize these songs.

Chapter II

Production, export, and import of tapes and discs on music and stage performances

Article 4.

1. State agencies, economic organizations, political organizations, socio-political organizations, social organizations, armed forces (hereinafter collectively called "organizations") that intend to produce tapes and discs for their business purposes shall satisfy and fulfill the following conditions and procedures:

a. Conditions

- To register the business and production of tapes and discs (for economic organizations);

- To have functions to produce tapes and discs as stipulated by the competent authorities (for other organizations with the parent agencies);

- To have editors qualified in politics and professional skills and conferred the title of editors.

b Procedures

Central-level organizations shall submit their application to the Bureau of Performance Art.

Local organizations shall submit their application to the local Services of Culture and Information.

In the applications, it is necessary to clearly note:

- Program title

- Names of authors and works (If the program consists of different works, a sequence of those works shall be needed)

- Address of the authors at the moment of application (for authors residing abroad)

- Brief contents of the programs (for stage programs)

- Names of editors

- Express categories (cassette tapes, video tapes, CD, VCD, DVD, CD-ROM or others)

- A commitment to be responsible to laws for the contents of the produced programs.

2. Organizations that intend to produce tapes and discs not for business purposes shall fulfill the regulations in Point (b) Clause 1 of this Article and other regulations in Clauses 1 and 3 Article 9 of the Regulations.

3. Within 10 days after receiving the application, the Bureau of Performance Art or the Services of Culture and Information shall consider the issue of the license. In case of delays, the maximum time shall not exceed 20 days after receiving the applications. In case of refusal, a written explanation shall be required.

Article 5.

1. Producers of tapes and discs shall produce the programs only after being licensed by the Bureau of Performance Art or the Services of Culture and Information.

2. In producing tapes and discs, the producers shall strictly execute the following regulations:

a. The program contents in each tape or disc shall have to be the same as specified in the licenses; no singer or musician who is banned from performance shall be employed to produce

the programs;

b. To fully execute the regulations on copyright in Chapter I Part 6 of the Civil Code;

c. To ensure the visual and audio quality of tapes or discs;

d. If the products need to be made or finished abroad, permission shall be obtained from the Ministry of Culture and Information (Planning Department);

e. To be responsible to laws for the contents of tapes or discs;

f. At least 7 days before circulation, copyright deposit shall be made at the Bureau of Performance Art, the National Library and the Services of Culture and Information that license the production (two copies each). Video tapes are exempted from the National Library;

g. Non-profit organizations who produce tapes or discs for business purposes shall have to register to pay tax at the local tax office.

3. The publishers who produce tapes or discs or finish the same abroad shall have to make copyright deposit under the Law on Publication. In circulation, the registration label shall be fixed to each tape or disc as stipulated in Clauses 1 and 3 Article 9 of the Regulations.

Article 6.

1. Conditions and procedures for the establishment and operation of the agencies selling tapes or discs on music and stage performances shall be stipulated in the Regulations on the circulation and business on video and music tapes and discs, the sale and rent of publications; cultural activities and services in public places; advertisement and signboards, issued as attachment to Decree 87/CP on 12 December by the Government.

2. The duplication of tapes or discs without the permission by competent governmental authorities or the consent of the copyright holders is strictly prohibited.

Article 7.

1. When importing tapes or discs, enterprises in charge of business and the import of tapes or discs on music and stage performances shall execute legal regulations on import and the specific regulations as follows:

a. Central-level organizations importing tapes or discs shall have to be permitted by the Bureau of Performance Art (Ministry of Culture and Information);

b. Local organizations importing tapes or discs shall have to be permitted by the local services of culture and information;

c. The (unassigned) import applications or plans shall clearly note:

- Program title;

- Names of authors, works (If the program consists of different works, a sequence of those

works shall be needed), and performers;

- Import categories (cassette tapes, video-tapes, CDs, VCDs, DVDs, CD-ROM or others);

- Imported quantity;

- Border gate where import procedures are made.

d. To be responsible to laws for the contents of the imported programs;

e. At least 7 days before circulating the tapes or discs, the import enterprises shall make copyright deposit at the Bureau of Performance Art, the National Library and the Services of Culture and Information that permit the import (two copies each).

2. Within 10 days after receiving the import plans (or applications), the Bureau of Performance Art or the Services of Culture and Information shall make reply. In case of necessary delays, the time-limit shall not exceed 20 days after receiving the plans (or applications). In case of refusal, a written explanation shall be required.

3. Organizations or individuals importing tapes or discs on music and stage performances not for business purposes shall execute the legal regulations on import of cultural products not for business purposes.

Article 8.

The export of tapes or discs on music or stage performances shall be conducted under legal regulations on export.

Chapter III

Circulation of tapes and discs of music and stage performances

Article 9.

1. Producers of tapes or discs (including publishers), tapes or discs importing enterprises for business purposes, before circulating the tapes or discs, shall submit a written proposal to the Bureau of Performance Art for the issuance of a registration label for the tapes or discs. The proposals shall clearly note:

a. Program title

b. Program contents

c. Copies of the following documents:

- The issuance license by the Services of Culture and Information or the Bureau of Performance Art;

- The acceptance of publication plans (for publishers)

d. Quantity of labels needed.

2. Within 7 days after receiving the proposals, the Bureau of Performance Art shall be responsible to issue the labels. In case of discovering a breach of Article 3 of the Regulations in the contents of the tapes or discs, the Bureau of Performance Art shall deal with the cases under its power specified in Point (b) Clause 2 Article 11 of the Regulations.

3. The labels on tapes or discs shall fully include the printed titles. The organizations provided with the labels shall be responsible to manage the use of labels. The labels issued for a certain program shall be fixed on the tapes or discs of the same program.

4. The labeled tapes or discs shall be circulated at home and abroad, except the case of a ban from some competent governmental authorities.

Article 10.

1. Organizations or individuals who intend to open tapes and discs shops shall have to satisfy the following conditions and procedures:

a. Conditions

- The location of the shops must be under the legal rights of the persons registering the

business.

- To provide devices for clients to check the quality of tapes or discs at the shops.

b. Procedures

Organizations or individuals who intend to open tape and disc shops shall have to fulfill the procedures of business registration as stipulated by laws. Only after obtaining the business registration, are they allowed to operate.

2. Organizations or individuals engaging in the business of tapes and discs shall be responsible to laws for the contents of their tapes and discs.

3. The following actions shall be strictly prohibited:

- To excerpt or combine the tapes or discs' contents for business purposes;
- To add or cut images or voices, changing the programs allowed to be circulated;
- To do business with tapes or discs produced, imported or duplicated illegally or without labels.

Chapter IV

State management, Inspection, examination and dealing with infringements and violations

Article 11.

1. The Ministry of Culture and Information shall consistently manage the production, export, import, circulation, business of tapes and discs on music and stage performances throughout the country.

2. The Bureau of Performance Art shall be responsible to the Ministry of Culture and Information:

a. To license the production and circulation of tapes and discs on music and stage performances produced or imported by central-level organizations;

b. To receive and check copyright tapes and discs from producers and importers throughout the country; in case of the discovery of a breach of Article 3 of the Regulations in the contents of the tapes and discs, the Bureau shall decide to prohibit the circulation or stop the issuance of labels and make reports to the Ministry of Culture and Information;

c. To issue registration labels fixed on tapes and discs that are allowed to be circulated;

d. To cooperate with the relevant agencies in instructing, inspecting and examining the implementation of legal regulations on the production, export, import, circulation and business of

tapes and discs on music and stage performances.

3. The Planning Department shall be responsible to the Ministry of Culture and Information to allow domestic producers of tapes and discs to finish the products abroad, except the same produced by publishers.

4. The Bureau of Publication shall be responsible to the Ministry of Culture and Information in managing the production of tapes and discs by publishers under the Law on Publication and other related rules in the Regulations.

5. The Services of Culture and Information shall be responsible to the Provincial-level People's Committees:

a. To license the production and circulation of tapes and discs produced or imported by local organizations;

b. To receive and check the copyright tapes and discs from the organizations permitted to produce or import; in case of the discovery of a breach of Article 3 of the Regulations in the contents of the tapes and discs, the services shall prohibit the circulation and make reports to the Ministry of Culture and Information (Bureau of Performance Art) and the Provincial-level People's Committee;

c. To direct, inspect and examine the production, export, import, circulation and business of tapes and discs on music and stage performances within the localities in line with their rights and powers.

6. The competent entities who permit to produce, export, import, circulate tapes and discs as well as to finish the products abroad and issue labels shall be responsible to laws for the contents of tapes and discs permitted or labeled by themselves.

Article 12.

1. Specialized inspectors of the Ministry of Culture and Information, in line with their rights and powers, shall cooperate with the relevant agencies in inspecting the implementation of the regulations on the production, export, import, circulation and business of tapes and discs on music and stage performances and deal with all violations throughout the country.

2. Specialized inspectors of the Services of Culture and Information, in line with their rights and powers, shall cooperate with the relevant agencies in inspecting the implementation of the regulations on the production, export, import, circulation and business of tapes and discs of music and stage performances and deal with all violations within their localities.

Article 13. Producers, exporters, importers, circulators and dealers of tapes and discs on music and stage performances shall be responsible to implement the Regulations and other related legal regulations; in case of violations, administrative or criminal punishments shall be taken depending on the nature and level of the case.

Article 14. Organizations or individuals making corrupt use of their rights and powers in the license or perform illegal inspection or examination, damaging the legal interests of producers, exporters, importers, circulators and dealers of tapes and discs shall be punished, fined or brought to criminal court.

Chapter V

Implementation provisions

Article 15. The Regulations shall come into effect within 15 days after the signing date.

After 15 September 1999, all tapes and discs on music and stage performances without registration labels of the Bureau of Performance Art shall not be put into circulation and used for business.

The temporary regulations on the management of music activities issued attached to Decision 1709/VH-QD on 11 October 1989 by the Minister of Culture, Document 2137/CV-VP on 27 July 1994 by the Ministry of Culture and Information and other regulations previously issued by the Ministry of Culture and Information contrary to the Regulations shall be no longer valid after the day this Regulation comes into effect.

Minister of Culture and Information

Nguyen Khoa Diem

(signed)