

Land Use and Land Ownership

The private ownership of land is not recognized in Vietnam; however, the concept of a land-use right does exist.

According to socialist legal principles, all land belongs to the State so real property cannot be owned by an individual. Land in Vietnam belongs to the people and, under socialist precepts, the State and the people are one. Thus the land is administered by the State, on behalf of the people.

The State will grant land-use rights to companies and individuals, while at the same time protecting the use of those rights. The State will also make sure that the use of the land follows the country's development plans. Failure to use the land-use right after six months could result in the State repossessing the land and reallocating the land-use right.

The State Bureau of Land Administration is responsible for land-use regulations. It has the following authority: survey and classify land; draw up land maps; zoning and land-use planning; enforcing rules and regulations; registration of land-use; inspection; and the resolution of land disputes.

Almost all Vietnamese land is property of the state, however foreigners may contract to purchase buildings or construct on such land. However, the building must be sold within 90 days of the foreigner's final departure from Vietnam, or it will revert to the State.

Foreign companies or individuals engaged in investment or contractual business must pay rents for land and water-use rights in US dollars or Vietnamese dong. Rents will be calculated annually according to acreage.

Since property available to foreign companies and individuals is controlled by government agencies, rents are not inexpensive in Vietnam.

Patents, Trademarks, and Copyrights

Vietnam has signed the Paris Convention for the Protection of Industrial Property consenting to the protection of patents and trademarks. The National Office of Inventions under the State Commission for Science and Technology offers protection by supplying inventor's certificates and patents.

A patent or inventor's certificate is valid for 15 years. Foreigners who register their trademark will be granted a certificate of registration which will protect the mark for a period of 10 years when the patent can then be renewed. It is necessary to use an industrial property agent such as the Vietnamese Chamber of Commerce and Industry (Vietcochamber), Investconsult, or the Saigon Patent Agency when registering with the National Office of Inventions.

The applicant will have to pay a fee to be granted a patent or trademark, and will pay annual fees to maintain the certificate's validity.

Unlike patents and trademarks, which are protected by laws, copyrights are only addressed by a decree or proclamation which addresses the rights of authors regarding the creation of works of art, literature, science and technology. The Ministry of Culture is responsible for administering the Copyright Decree.

A foreigner who has suffered copyright infringement should apply to the Vietcochamber or one of