



## VIETNAM



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## Transfer of a registered domain name in Vietnam

Pursuant to Article 49 of the Law on Telecommunications No. 41/2009/QH12, holders of a registered national domain name “.vn” can, in theory, transfer the right to use their domain name, but, this regulation has not been able to proceed in practice due to the lack of specific mechanisms and regulations.

The Prime Minister promulgated Decision No. 38/2014/QĐ-TTg, on June 1, 2014, stipulating the auction, transfer of the right to use telecom enumeration and internet domain names (Decision 38), accordingly, the Ministry of Information and Communication (MoIT) provided Circular No. 16/2016/TT-BTTTT, dated June 28, 2016, guiding the transfer of right to use of the registered internet domain name without auction (Circular 16) for detailed guidance of Decision 38, which enters effect on August 15, 2016.

According to Circular 16, the transfer of the right to use a “.vn” domain name has three stages comprising of (i) examination of the application dossier for transfer of the right to use domain name “.vn”, (ii) completion of tax duty, and (iii) re-registration of the transferring domain name “.vn”. The procedure for transfer of the right to use the domain name “.vn” shall be conducted at the domain name “.vn” registrar (“registrar”) which manages the transferred domain name “.vn” and is listed at website [www.nhadangky.vn](http://www.nhadangky.vn). During the implementation of examination of the application dossier, the transferor can’t change its information at the registrar, change its name or return the

transferring domain name, other parties (other than the transferee), however, may not apply for registration of the transferring domain name.

For approval of the application dossier, it is required to have the proper dossiers,

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meet the conditions on the transferred domain name “.vn” ie not subject to the cases prohibited from transfer according to Decision 38, and not subject to the cases required to protect according to Circular No. 24/2015/TT-BTTTT, dated August 18, 2015, on the stipulation of the management and use of internet resources (Circular 24), and the transferee subject to registering and using the transferred domain name according to Circular 24. In addition, the implementation of such procedure shall be suspended if it is in the following cases:

- (i) The parties violate regulations on management and use of internet resources;
- (ii) The transferred domain name “.vn” is found out in the process of settlement of dispute;
- (iii) The transferred domain name “.vn” is found out being subject to actions against violations, suspension of operation, compulsion to change of information, compulsion to return or revocation according to Circular 24 and Joint Circular No. 14/2016/TTLT-BTTTT-BKHCN, dated June 8, 2016, guiding the procedures for changes or revocation of domain names violating the law on intellectual property;
- (iv) The notice of tax authority on the failure to fulfil the tax duty or fraudulence in paying the tax duty;
- (v) The transferee fails to make payment of fees for registration of domain name “.vn” according to the laws; or
- (vi) The transferor and the transferee request to withdraw the submitted application dossier.

For completion of the transfer transaction, the transferee must complete the re-registration procedure for the transferred domain name “.vn” after fulfilment of tax duty levied on such transaction. However, if the tax authority gives a written notice of failure to fulfil the tax duty or fraudulence in paying the tax duty, the registrar and the Vietnam Internet Network Information Centre shall cancel the result of the transfer transaction.

The effect of Circular 16 enables the holders of the right to use the registered domain name “.vn” to fully enforce their rights and facilitate the transactions of transfer of the right to use of the domain name “.vn”.