

Directive 38/1999/CT-BVHTT on 17 March 1999 by the Minister of Culture and Information

On strengthening the management of CDs of music and stage performances

Over the past years, scientific and technological development has led to the creation of CD and VCD products with good audio and visual quality, meeting the people's increasing demand for cultural enjoyment and encouraging a large part of the community to use them.

Recently, through surveys, inspections and examinations on the market of cultural products and via public opinion reflected in the press, the producers of CDs and VCDs of music and stage performances (hereinafter collectively called "CD") and a number of writers and artists, it is realized that, apart from positive elements, there has appeared a complex situations in the CD market. Especially, due to loose management and inspection, the illegal import, infringement and circulation of pirated CDs have made the CD market chaotic and complex. The illegal import, infringement and circulation of pirated CDs has tended to increase on a large scale, especially in the major markets in Ho Chi Minh City, Hanoi, Haiphong, Lang Son. This situation has not been strictly handled, considerably damaging CD producers, leading to a great loss for the State budget, severely violating the Law on Publication and other regulations on copyright in the Civil Code as well as the creators' interests. Moreover, many pirated CDs with harmful and unhealthy contents, due to improper inspection and prevention, have deteriorated the ideology and ethics of a part of the community.

To reestablish order and effectively manage the CD market in particular and the market of cultural products in general in order to protect legal interests of producers, creators and consumers, the nation's healthy way of living, and to prevent smuggling and production of counterfeit CDs of music and performance, the Minister of Culture and Information shall direct the departments and bureaus and the Services of Culture and Information of provinces and centrally-administered cities to conduct the following tasks:

1. The Legal Department shall collaborate with the Copyright Office, the Bureau of Performance Art, the Cinema Bureau, the Bureau of Publication, the Bureau of Essential Culture and Information, and the Ministerial Inspection in setting up various regulations and rules on the management of CDs in order to strengthen the State management over CDs through laws.

2. The Copyright Office shall collaborate with the Legal Department to promote the popularization, propagation, and education of laws in general and the law on copyright in particular to raise the community's sense of legal abidance, build up a cultural lifestyle and eradicate pirated and counterfeit CDs.

3. The Bureau of Performance Art shall be assigned to function as the governmental authority in charge of CDs of music and stage performances. The Bureau of Performance Art shall study and set up a project on using labels and stamps in CD management and shall consistently manage the issuance of labels and stamps.

4. The Planning Department shall collaborate with the Legal Department in proposing a method for the Ministry of Culture and Information to cooperate with the Ministry of Trade in stipulating the application of inspection stamps to CD making machines and materials, blank CDs and programmed CDs, CD-R and CD-RW recorders in order to prevent smuggling.

5. The Copyright Office shall set up an overall project to establish a Collective Management Association for Copyright. In the near future, it is necessary to establish the Vietnam Society of Music Tapes and Discs Industry to undertake a collective managing role in this field.

6. Cultural and information inspectors shall closely collaborate with State Inspectors in examining and inspecting the implementation of legal regulations on copyright, in strictly realizing Decree 814/TTg on 12 December 1995 by the Prime Minister, Decree 87/CP on 12 December 1995 and Decree 88/CP on 14 December 1995 by the Government.

7. The inspectors of the Ministry of Culture and Information shall collaborate with the Services of Culture and Information in planning the inspection and treatment of pirated and counterfeit CDs circulated in the market.

8. For foreign CDs and VCDs of music, performance and movies being circulated in the market:

- the Services of Culture and Information shall be responsible to inspect the contents of CDs of music and stage performances

- the Cinema Bureau shall inspect the contents of VCDs of movies under the current regulations.

9. Provinces and centrally-administered cities with border gates shall set up projects and collaborate with the competent and relevant branches in supervising and strictly checking the import and export of CDs through the border gates and take measures to promptly deal with all violations.

Upon receiving this Directive, the heads of all units administered by the Ministry of Culture and Information as well as the Services of Culture and Information of provinces and centrally-administered cities shall implement and make periodical reports to the Ministry of Culture and Information.

Minister of Culture and Information

Nguyen Khoa Diem

(signed)

