

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

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Hanoi, May 16, 2013

**DECREE
ON E-COMMERCE**

Pursuant to the Law on Governmental Organization dated December 25, 2001;

Pursuant to Civil Code dated June 14, 2005;

Pursuant to the Commercial Law dated June 14, 2005;

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

Pursuant to the Competition Law dated December 3, 2004;

Pursuant to the Law on Protection of consumers' rights dated November 17, 2010;

At the proposal of the Minister of Industry and Trade,

The government issues this Decree on E-commerce.

**Chapter I
GENERAL PROVISIONS**

Article 1. Scope of application

This Decree provides regulations on the development, application and management of e-commerce activities.

Article 2. Subject of application

1. This Decree applies to traders, organizations or individuals involving in e-commerce activities in the territory of Vietnam, including:

- a) Vietnamese traders, organizations, individuals;
- b) Foreign individuals residing in Vietnam;
- c) Foreign traders and organizations with their presence in Vietnam through investment operation, establishment of branches and representative offices or website setting up under Vietnamese domain name.

2. The Ministry of Industry and Trade presides over and coordinates with the Ministry of Information and Communications, based on the social and economic conditions and management requirements of each period, to guide the management measures for foreign traders, organizations and individuals that carry out e-commerce activities with Vietnamese subjects.

Article 3. Interpretation of terms

In this Decree, the following terms shall be construed hereafter:

1. E-commerce activity means conducting a part or the whole process of a commercial activity by electronic means connected to the Internet, mobile telecommunications network or other open networks.

2. The National E-commerce Development Program is a set of contents and tasks of e-commerce development activities in each period with the view to encourage and support e-commerce applications to improve the efficiency of business and production to boost domestic trade and export and to develop the e-commerce infrastructure towards modernization.

3. Electronic communications in commercial transactions (hereinafter referred to as e-communications) are any contract, notice, request, offer, acceptance of offer, or other documentation in the form of a data message shown by the parties related to the commitment or contract performance.

Electronic communications in this Decree do not include bills of exchange, promissory notes, consignment notes, bills of lading, warehouse receipts or any transferable instrument that entitles the bearer or beneficiary to claim the delivery of goods or the payment of a sum of money.

4. The creator is a party or representative of that party and has made or sent electronic communications before storing them. The creator does not include the party acting as an intermediary related to the electronic communications.

5. The addressee is a party who is intended by the originator to receive the electronic communication. The addressee does not include a party acting as an intermediary with respect to that electronic communication.

6. Automatic information system is the information system used to make, send, receive or respond to data message without the human intervention or checking of each action performed.

7. Place of business is the place where a party conducts business activities other than the temporary provision of goods or services out of a specific location.

8. E-commerce website (hereinafter referred to as website) is the electronic information page set to serve a portion or the whole process of buying and selling activities of goods or provision of services, from display and introduction of goods or services to entering to contract, service provision, payment and after-sales service.

9. E-marketplace is an e-commerce website permitting traders, organizations or individuals that are not the website owners may conduct a portion or the whole process of buying and selling goods and services on that website.

E-marketplace in this Decree does not include online securities trading websites.

10. Online sale promotion website is an e-commerce website set up by traders and organizations to perform the promotion for the goods and services of other traders, organizations or individuals under the terms and conditions of promotion service contract.

11. Online auction website is an e-commerce website providing solutions allowing traders, organizations and individual that are not the website owners may auction their goods on that website.

12. Online ordering function is a function installed on an e-commerce website or a terminal equipment of customers and connected to an e-commerce website in order to permit customer to begin the process of contracting under the terms and

conditions published on that website including contracting with the automatic information system.

13. Personal information is the information contributing to identify a specific individual, including his/her name, age, home address, phone number, medical information, account number, information on personal payment transactions and other information that the individual would like to keep confidential.

Personal information in this Decree does not include working contact information and other information that the individual has published himself on mass media.

14. Collection of personal information is the collection of information to put it into a database that includes personal information of many consumers being customers or potential customers of the traders, organizations or individuals engaging in e-commerce.

15. Service of e-contract certification is the third party's service on storing and integrity assurance of electronic communications created by the parties during contracting and implementation.

Article 4. Prohibited acts in e-commerce activities

1. Violation of e-commerce business activities:

a) Organizing marketing and promotion network for e-commerce services in which each participant shall have to pay an initial amount of money to buy services and receive commission, bonus or other economic benefits from mobilizing others to join the network;

b) Taking advantage of e-commerce to do business of counterfeit, goods or services violating intellectual property rights, goods or services in the list of prohibited goods and services;

c) Taking advantage of e-commerce operation to illegally mobilize capital from other traders, organizations or individuals.

d) Providing e-commerce services or certification, evaluation and monitoring services in e-commerce when these services have not been registered or licensed in accordance with the provisions of this Decree.

e) Providing e-commerce services or certification, evaluation and monitoring services in e-commerce not in accordance with the information in the record of registration or licensing.

g) There are fraudulent acts or providing false information when performing the procedures for notification of setting up e-commerce website, registering website to provide e-commerce services, registering or licensing the certification, evaluation and monitoring services in e-commerce.

2. Violation of information on e-commerce website:

a) Falsifying registration information or failing to comply with the regulations on the form and way of publication of information registered on e-commerce website;

b) Using logos of credit evaluation programs of e-commerce website without recognition from these programs;

c) Using links, logos or other technologies on e-commerce website to cause confusion of the relationship with other traders, organizations or individuals;

d) Using links to provide conflicting or misleading information compared with the information published in the area where the website is connected with this link.

3. Violation of transaction on e-commerce website:

a) Performing acts of consumer fraud on e-commerce websites;

b) Falsifying information of traders, organizations or individuals to participate in e-commerce activities;

c) Intervening in the operation system and Internet browser in the electronic equipment accessible to website to force customers to stay on the website against their wishes.

4. Other violations:

a) Stealing, using, disclosing, transferring and selling information related to business secrets of other traders, organizations or individuals or personal information of consumers in e-commerce without the consent of the parties concerned, unless otherwise regulated by law.

b) Falsifying or copying interface of e-commerce website of other traders, organizations or individuals to make profit or to cause confusion, loss of customer confidence in those traders, organizations or individuals.

Article 5. Contents of the state management over e-commerce

1. Contemplating and implementing mechanisms, policies, strategies, plans, e-commerce development programs.

2. Promulgating and organizing the implementation of legal normative documents in e-commerce activities, criteria, regulations in e-commerce applications and regulations in the management of specific e-commerce services.

3. Managing and monitoring e-commerce activities.

4. Propagating, disseminating and educating the law on e-commerce.

5. Performing activities of research, application and transfer of technology in e-commerce.

6. Organizing activities of consulting and supporting enterprises to deploy and apply e-commerce.

7. Organizing activities of training and improving the human resources for e-commerce.

8. Making statistics of e-commerce.

9. Performing international cooperation in the area of e-commerce.

10. Performing the inspection, examination, settlement of complaints and denunciations and handling violations in e-commerce activities.

Article 6. Responsibilities of the state management bodies for e-commerce

1. The Ministry of Industry and Trade shall be responsible before the Government for state management over e-commerce.

2. Other ministries, ministerial-level agencies, People's Committees of centrally-affiliated provinces and cities shall, within the scope of their authority, shall cooperate with the Ministry of Industry and Trade on the implementation of state management over e-commerce.

Article 7. The National E-commerce Development Program

1. The State has the appropriate policies and measures in order to promote the e-commerce to develop transparently and sustainably through the National E-commerce Development Program.

2. The contents of the National E-commerce Development Program include:

- a) Building and developing the infrastructure of e-commerce;
- b) Propagating, disseminating and raising the awareness of e-commerce;
- c) Training and improving the human resources of e-commerce;
- d) Developing products and solutions of e-commerce;
- e) Consulting the plan of e-commerce application;
- g) Performing international cooperation of e-commerce;
- h) Raising management capacity and organizing activities of e-commerce development;
- i) Other contents.

3. The Prime Minister stipulates the participants, scope of application, management mechanism and fund assistance of the National E-commerce Development Program.

Article 8. Statistics of e-commerce

1. People's Committee of centrally-affiliated provinces and cities shall collect the statistic data on the situation of e-commerce application of each locality and make an annual report to the Ministry of Industry and Trade for summing up.

2. Traders and organizations providing e-commerce services shall periodically report their service provision activities in service of statistics of e-commerce.

3. The Minister of Industry and Trade stipulates in detail the regulations of report and statistics for traders and organizations providing e-commerce services and localities with enterprises operating e-commerce business activities.

Chapter II

CONTRACTING IN E-COMMERCE

Section 1

ELECTRONIC COMMUNICATION IN COMMERCIAL TRANSACTION

Article 9. Legal validity as original

1. Electronic communication in commercial transaction has its legal value as original if meeting two following conditions:

a) There is credible assurance about the integrity of information contained in electronic communications from the time the information firstly initialized in the form of electronic communications;

b) Information contained in the electronic communications may be accessible and usable in the completed form when necessary.

2. Criteria for assessing the integrity of information is completeness and unchangeableness, apart from the changes of the form arising in the process of exchange, storage or display of the electronic communications.

3. Criteria of reliability assurance is when one of the following measures is applied on the basis of an agreement among parties exchanging and using electronic communications:

- a) Signing electronic communications with digital signature issued by a legal digital signature certification service providers;
- b) Storing electronic communications in the system of a licensed e-contract certification service provider that the parties have agreed to select;
- c) There is an assurance from the traders, organizations providing infrastructure for creation, sending and storage of electronic communications on the integrity of information contained in electronic communications during the sending and storage process in the system;
- d) Other measures which the parties have agreed upon.

Article 10. Time and place of dispatch and receipt of electronic communications

1. The time for dispatching an e-communication is the time that electronic communication leaves the information systems under the control of the originator or his/her representative. In case the e-communication does not leave the information system under the control of the originator or his/her representative, the dispatching time is the time of receiving the electronic communication.

2. In case the parties have no other agreements, the time of receipt of an e-communication is the time that the e-communication comes to the accessible e-address given by the addressee.

3. Place of business of the creator is regarded as a place to dispatch the electronic communications and places of business of the addressee is regarded as a place to receive the electronic communications.

Article 11. Place of business of the parties

1. Place of business of each party is the location indicated by that party, unless the other party demonstrates that the party making the indication does not have a place of business at that location.
2. In case one party has many places of business but does not indicate any place of business, then the place of business is the one having the closest relationship to the relevant contract with regard to all the circumstances before or at the conclusion of the contract.
3. In case an individual has no place of business, his or her place of business is deemed to be the person's habitual residence.
4. A location is not a place of business merely because that is where equipment and technology supporting an information system used by a party in connection with the formation of a contract are located; or where the information system may be accessed by other parties.
5. A local indication connected with a domain name or electronic mail address used by a party does not create the presumption that the party's place of business is located in that locality.

Article 12. Notice of proposal for contracting without any receiving party

A notice formed under electronic communications on the proposal for contracting without specific receiving party is only a notice of proposal for contracting. That notice has not been regarded as a proposal for conclusion of contract, unless the notifying party specifies in the notice its responsibilities in the event of getting accepted answer.

Article 13. Use of automatic information system

Entering into contract from the interaction between an automatic information system with a person or between automatic information systems is not considered as without any denial of legal value because there is no human examination or intervention in each specific action due to automatic performance of the information system or the contract is concluded.

Article 14. Information entry error in electronic communications

1. In case a person makes an input error in an e-communication used for exchange with the automatic information system of other parties but this automatic information system does not support that person to correct the error, then that person or the traders, organizations or individuals which that person represents have the right to withdraw the portion of e-communication with error if meeting two following conditions:

a) Once being aware of the error, that person or the traders, organizations or individuals which that person represents shall notify the other party of the error and clearly state that he has made an error in this electronic communication;

b) That person or the traders, organizations or individuals which that person represents have not used nor have any material benefit or value of the goods or services received from the other party.

2. Withdrawal of the portion of the e-communication in which the input error was made does not affect the application of any rule of law that may govern the consequences of any error other than as provided in Clause 1 of this Article.

Section 2

ENTERING INTO CONTRACT USING ONLINE ORDERING FUNCTION ON E-COMMERCE WEBSITE

Article 15. Notice of proposal for contracting

If an e-commerce website has an online ordering function applicable for specific goods and services introduced on that website, then the introductory information about goods and services and relevant terms and conditions shall be regarded as the notice of proposal for contracting of the traders, organization and individuals selling goods as prescribed in Article 12 of this Decree.

Article 16. Provision of terms and conditions of contract upon use of online order on e-commerce website

E-commerce website with an online ordering function must provide customers with information about the terms and conditions of contract specified from

Article 30 to Article 34 of this Decree before the time the customers state their proposal for contracting.

Article 17. Proposal for contracting

Electronic communications created by customer and sent by using the online ordering function shall be regarded as the proposal for contracting of customers for the goods or services attached with that online ordering function.

Article 18. Reviewing and confirmation of contract contents

E-commerce website must have a mechanism to permit customers to review, supplement, modify and confirm the transaction contents before using the online ordering function in order to send proposal for contracting. This mechanism of reviewing and confirmation must meet the following conditions:

1. Displaying the following information to customers:

- a) Name of goods or services, the number and type;
- b) Method and time of goods delivery or provision of services;
- c) Total value of the contract and the details regarding the payment method selected by the customer.

These information must be capable of storing, printing on system of customer information and be displayed later.

2. Displaying information to customers about the way to respond to the proposal for contracting and time limit to respond to the proposal for contracting.

3. Permitting customers to select the cancellation of transaction or confirmation of the proposal for contracting.

Article 19. Response to the proposal for contracting

1. Responding to acceptance or denial of the proposal for contracting must be done in the appropriate form so that the information can be stored, printed and displayed in the customer's information system.

2. Upon responding to acceptance of the proposal for contracting, the traders, organizations or individuals selling goods must provide customers with the following information:

a) List of all goods or services that customers have ordered, the number and price of each product and total value of contract.

b) Time of delivery or service provision;

c) Contact information for customers to ask about the status of contract performance when necessary.

Article 20. Termination of proposal for contracting

1. In case the traders, organizations or individuals selling goods has announces the time limit for response to the proposal for contracting, if this time limit is over without any response to the customers, the proposal for contracting of the customers shall be regarded as a termination of validity.

The response to acceptance after this time limit is regarded as another proposal for contracting from the traders, organizations or individuals selling goods.

2. In case the traders, organizations or individuals selling goods do not announce the time limit for response to the proposal for contracting, if within 12 (twelve) hours from the time of sending the proposal for contracting, then the proposal for contracting of the customers shall be regarded as a termination of validity.

Article 21. Time for contracting upon the use of online ordering function on e-commerce website

The time for contracting upon the use of an online ordering function on e-commerce website is the time the customer receiving the response from the traders, organizations or individuals selling goods to accept the proposal for contracting as prescribed in Clause 2, Article 19 of this Decree.

Article 22. Procedures for contract termination for e-commerce service contract and other online services

1. Website providing e-commerce services and other online services must provide online tools so that customers can send notice of contract termination upon the end of need for service using. This tool must satisfy the following conditions:

a) Allowing customers to store and display notice of contract termination in its information system after sending;

b) There are feedback mechanisms so that customers know that their notice of contract termination has been sent.

2. E-commerce service websites and other online services must publish information transparently and completely on the process and procedures for contract termination including the following contents:

a) The cases that the traders, organizations or individuals provide the contract termination services and the ways to deal with consequences of this contract termination;

b) The time of validity termination of contract and the payment method of service fees in case customer is the party terminating the contract;

c) If the website does not publish the time of validity termination of contract in case customer is the party terminating the contract, the time when customer sends notice is regarded as the time of contract termination.

Article 23. Contracting on purchasing e-commerce website

The Ministry of Industry and Trade shall specify the process of online contracting on e-commerce website conducted by the traders, organizations or individuals to purchase goods and services.

CHAPTER 3 E-COMMERCE ACTIVITIES

Article 24. Subjects of e-commerce activities

The subjects involved in e-commerce activities include:

1. Traders, organizations or individuals may set up e-commerce website by themselves to serve their commercial promotion, sales or service supply (people who own e-commerce sale website).
2. Traders, organizations or individuals set up their e-commerce websites to provide environment for the traders, organizations or individuals to conduct their activities of commercial promotion, sales or service supply (the traders or organizations providing e-commerce services).
3. Traders, organizations or individuals using website of the traders or organizations providing e-commerce services to serve their commercial promotion, sales or service supply (the seller).
4. Traders, organizations or individuals purchasing goods or services on sales E-commerce website and e-commerce service provision website (customer).
5. Traders or organizations providing the technical infrastructure for the owner of sale e-commerce website and for the traders and organizations providing e-commerce services (the traders or organizations providing infrastructure).
6. Traders, organizations or individuals using electronic equipments connected to other networks for commercial activities.

Article 25. Forms of organization of e-commerce activities.

1. Sales e-commerce website is an e-commerce website set up by traders, organizations or individuals by themselves to serve their commercial promotion, sales or service supply.
2. E-commerce service website is an e-commerce website set up by traders or organizations to provide environment for other traders, organizations or individuals to conduct their commercial activities. The website providing e-commerce services includes the following types:
 - a) E-marketplace;
 - b) Online auction website;
 - c) Online promotion website;

d) Other types of website stipulated by the Ministry of Industry and Trade.

3. With the applications installed on electronic devices connected to the network that allows the users to access the database of other traders, organizations and individuals to purchase and sell goods, provide or use services. Depending on the features of these applications, the traders or organizations must comply with the provisions on sale e-commerce website or e-commerce service provision websites in this Decree.

4. The Ministry of Industry and Trade shall stipulate the E-commerce activities conducted on the mobile telecommunication network.

Article 26. Principles of e-commerce activities

1. The principle of the free and voluntary agreements in e-commerce transactions

The subjects participate in e-commerce activities are entitled to free agreement which is not contrary to the legal regulations to establish the rights and obligations of each party in the transaction. This agreement is the base for the settlement of disputes arising in the transaction process.

2. The principle of determining the scope of business activities in e-commerce

If the traders, organizations or individuals conducting their activities of sales, service provision or commercial promotion on e-commerce websites, of which these activities are not specified their geographical limits, they are considered to be conducted on a national scale.

3. The principle of determining the obligations on protection of consumers' rights in e-commerce activities

a) The owners of e-commerce sale website and the sellers on e-commerce service website must comply with the Law on protection of consumers' rights when providing the goods or services to customers;

b) Customers on e-commerce service website are the consumers of e-commerce services and also the goods or services which are provided by the sellers on this website;

c) In case the sellers directly post their goods and services information on the e-commerce website, the e-commerce service providers and infrastructure providers are not the third parties providing information as prescribed by the Law on protection customers' rights.

4. The business restrictions or conditional business principles of the goods or services on the e-commerce website

The subjects applying e-commerce for trading the goods or services which are business restriction or conditional business must comply with legal regulations concerning to the trading of those goods and services.

Section 1

ACTIVITIES OF SALE E-COMMERCE WEBSITE

Article 27. Responsibilities of traders, organizations or individuals that own e-commerce sale websites

1. Notifying to the Ministry of Industry and Trade when setting up e-commerce sale websites as prescribed in Section 1, Chapter IV of this Decree.

2. Fully providing information on the websites under the provisions of this Section and taking responsibility for the accuracy and completeness of these information.

3. Complying with the provisions on the protection of customers' personal information as prescribed in Section 1, Chapter V of this Decree.

4. Complying with the provisions in Section 2, Chapter II of this Decree if the websites have online ordering functions.

5. Complying with the provisions in Section 2, Chapter V of this Decree if the websites have online payment functions.

6. Providing information about the status of business at the request of the competent state agencies to serve the statistics activities on E-commerce, inspection, examination and handling of violations in E-commerce.

7. Fully performing tax obligations as prescribed by law.

Article 28. Providing information on e-commerce sale websites

1. E-commerce sale websites must fully provide information about the owners of websites, goods and services and terms of contracts applicable for goods and services that are introduced on the websites as prescribed from Article 29 to Article 34 of this Decree.

2. These information must ensure the following requirements:

a) Obviousness, accuracy, findability and understandability;

b) Being arranged in the corresponding sections on the website and can be accessed by online methods;

c) Being capable of storing, printing and displaying later;

d) Being displayed clearly to the customers before the time they send the proposal of contracting.

Article 29. Information about the website owners

The traders, organizations or individuals that own e-commerce sale websites must publish the following minimum information on the website homepage:

1. Name and address of the head office of the traders or organizations; or name and permanent address of the individuals.

2. The business registration certificate number, date of issue and place of issue of the traders or the establishment decision number, date of issue and the issuing unit of the organizations or the tax code of the individuals.

3. Telephone number or another online contact method.

Article 30. Information about goods or services

The traders, organizations or individuals must provide information of the goods or services which are introduced on the e-commerce sale websites, so that the customers could identify the features of these goods or services correctly in order to avoid misunderstanding upon making a decision on the proposal of contracting.

Article 31. Information about price

1. Information on prices of the goods or services, if any, must be made clear that these prices are already inclusive or exclusive the costs related to the purchase of these goods or services, such as taxes, packing, shipping cost and other costs incurred.

2. Unless otherwise agreed by the parties, if the information on the price of the goods or services listed on the website does not clearly indicate that the price is inclusive or exclusive of the costs related to the purchase of goods or services such as taxes, packing, shipping cost and other costs incurred, the price is understood to have included all above costs.

3. For e-commerce service websites specified in Section 2 and 4 of this Chapter, they must publish detailed information about the method of calculation of service fee and payment mechanism.

Article 32. Information about general terms of transaction

1. Traders, organizations or individuals must publish the general terms of transaction for goods or services introduced on the websites, including:

a) Conditions or restriction in provision of the goods or services such as the limits on time or geographic scope, if any;

b) Reimbursement policies, including reimbursement term, payment method, or returned goods, refund and the cost of this refunding;

c) Product warranty policy, if any;

d) Service standards, service provision processes, fee schedule and other terms relating to the provision of services, including the conditions and restrictions, if any;

e) The obligations of the sellers and customers in each transaction

2. The general trading conditions must be disclosed by the font color contrast with the background color of the website posting the general trading conditions and language that represents the general trading conditions must include Vietnamese language.

3. In case the website with the online ordering function, the seller must have a mechanism for customers to read and express their consent to the general trading conditions before sending the proposal for contracting.

Article 33. Information about shipment and delivery

1. Traders, organizations or individuals must publish the following information about the conditions for shipment and delivery applicable for goods or services introduced on the website:

a) Method of delivery of goods or provision of services;

b) Estimated time for the delivery of goods or provision of services taking into account of the geographical distance and method of delivery of goods.

c) Geographical limits for the delivery of goods or provision of services, if any.

2. In case of delay arising in delivery of goods or provision of services, traders, organizations or individuals must give timely information to customers and create opportunities for them to cancel the contract if desired.

Article 34. Information about payment methods

1. Traders, organizations or individuals must disclose all payment methods applicable for goods or services introduced on the website, together with clear and accurate explanations so that the customers can understand and choose the appropriate payment method.

2. If the website has the online payment function, traders, organizations or individuals must set up a mechanism for customers to use this function to review and confirm detailed information about each transaction before making the payment.

Section 2

ACTIVITIES OF E-MARKETPLACES

Article 35. Providing e-marketplace services

1. Traders or organizations providing e-marketplace services are those who set up their e-commerce websites so that the other traders, organizations or individuals could conduct a portion or the whole trading process of goods and services on these websites.

2. Forms of activities of e-marketplace websites:

a) Websites where the participants are entitled to create stalls to display and introduce goods or services;

b) Websites where the participants are entitled to create the website branches to display and introduce goods or services;

c) Websites have business forums where the participants are entitled to post trading news;

d) Other forms of websites as prescribed by the Ministry of Industry and Trade.

3. Websites operating in the form of Goods Exchange:

a) Traders or organizations setting up e-commerce websites, on which the participants are entitled to trade according to the trading method of Goods Exchange must have licenses and comply with legal regulations on the Goods Exchange.

b) The Ministry of Industry and Trade shall specify the mechanism of monitoring and connection of transaction information between the state management agencies and with the Goods Exchange and other requirements of website operating in the form of Goods Exchange.

Article 36. Responsibilities of traders or organizations providing e-marketplace services

1. Registering to set up websites providing e-marketplace services as prescribed in Section 2, Chapter IV of this Decree and publishing the registered information on the website homepage.
2. Developing and publishing the terms and conditions of e-marketplace as prescribed in Article 28 of this Decree; monitoring e-marketplaces and ensuring the implementation of these regulations.
3. Requesting traders, organizations or individuals who are the sellers on the e-marketplaces to provide information as specified in Article 29 of this Decree upon registration for using the services.
4. Having the mechanism of examination and monitoring to ensure that the information are provided correctly and fully by the sellers
5. Storing the registered information of the traders, organizations or individuals participating in the e-marketplaces and regularly updating the relevant changed or supplemented information.
6. Establishing the mechanism that the traders, organizations or individuals are entitled to participate in the e-marketplaces to perform the process of contracting as prescribed in Section 2, Chapter II of this Decree if the website has the online ordering function.
7. Applying necessary measures to ensure the safety of information related to the business secrets of the traders, organizations or individuals and the consumers' personal information.
8. Having the timely remedial measures upon detection or receipt of reflection about the business acts in violation of law on the e-marketplaces.
9. Assisting the state management agencies to investigate the business acts of violation of law, providing the registered information, the history of transactions and the other documents about the subjects having acts in violation of law on the e-marketplaces.

10. Publishing publicly the mechanism to settle disputes arising during transactions on the e-marketplaces. Providing the customers with information about the sellers and actively assisting the customers to protect their legal rights and interests when the customers on the e-marketplaces have conflicts with the sellers or their legal rights are damaged.

Article 37. Responsibilities of the sellers on the e-marketplaces

1. Fully and accurately providing information as prescribed in Article 29 of this Decree for the traders or organizations providing e-marketplace services upon registration for using services.

2. Fully providing information about the goods or services as specified from Article 30 to 34 of this Decree when selling goods or providing services on the e-marketplaces.

3. Ensuring the accuracy and truthfulness of information on the goods or services provided on the e-marketplaces.

4. Performing the provisions in Section 2, Chapter II of this Decree upon application of online ordering function on the e-marketplaces.

5. Providing information on their business status upon the requirements of the competent state agencies to serve the statistics of e-commerce.

6. Complying with legal regulations on payment, advertising, promotion, protection of intellectual property rights, protection of consumers' rights and the other regulations of relevant laws when selling goods or providing services on the e-marketplaces.

7. Fully performing tax obligations as prescribed by law.

Article 38. Terms and conditions on operation of e-marketplaces

1. The terms and conditions on operation of the e-marketplaces must be presented on the website homepage.

2. The terms and conditions on operation of the e-marketplaces must include the following contents:

- a) Rights and obligations of the traders or organizations providing e-marketplaces services;
- b) Rights and obligations of the users of e-marketplace services;
- c) Describing the transaction process for each type of transaction that might be conducted on the e-marketplaces;
- d) Reviewing operation and handling competence of the traders or organizations providing e-marketplace services upon detection of business acts in violation of law on e-marketplaces;
- e) Rights and obligations of the parties in transactions which are conducted on the e-marketplaces;
- g) Limiting responsibilities of the traders or organizations providing e-marketplaces services to the transactions which are conducted on their websites;
- h) Regulations on information safety and management on the e-marketplaces;
- i) Mechanism of the settlement of disputes and complaints among parties related to the transactions which are conducted on the e-marketplaces;
- k) Policies on protection of personal information of the users of the e-marketplace services as prescribed in Article 69 of this Decree;
- l) Measures to deal with the infringement of consumers' rights on the e-marketplaces;
- m) Measures to deal with the violations of the people who do not comply with the terms and conditions of the e-marketplaces;

3. When changing one of the contents specified in Clause 2 of this Article, the traders or organizations providing the e-marketplace services must notify all their service users at least 05 days prior to application of those changes.

Section 3

ACTIVITIES OF SALE PROMOTION SERVICE WEBSITES

Article 39. Provision of online sale promotion services

1. Traders or organizations providing online sale promotion services are the ones that set up their sale promotion service websites to implement online promotion for goods and services of other traders, organizations or individuals (referred to as partner) under the terms of contract of promotion services.

2. Forms of online sale promotion services:

- a) Selling goods vouchers and services vouchers so that the customers can buy goods or use services of the partners at preferential prices or other benefits;
- b) Selling the frequent customer cards to enable customers to use goods or services from a network of partners at preferential prices or other benefits compared with those upon purchase of goods and services in each individual partner;
- c) Other forms of online sale promotion services stipulated by the Ministry of Industry and Trade.

Article 40. Information about promotional activities on sale promotion service website

1. Information about each promotional activity posted on sale promotion service website must include the following contents:

- a) Name, address, phone number and other contact information of the traders, organizations or individuals who have goods or services to be promoted;
- b) Describing goods or services to be promoted and goods or services used for promotions, including information about the origin of goods, specifications, quality of goods or services;
- c) Promotion period, start date, end date and area of promotional activities;
- d) Price of goods and services provision before the time of promotion;
- e) Total actual cost that customers must pay to possess the goods and use services promoted including the cost paid to the traders or organizations providing the online sale promotion services;
- g) Specific contents of conditions attached with the promotion of goods or services.

2. If the website has a mechanism for receiving online comments or feedback from customers about the goods or services promoted, these comments shall be publicly displayed on the website so that other customers can see them.

Article 41. Responsibilities of traders or organizations providing online sale promotion services

1. Registering to set up sale promotion service websites specified in Section 2, Chapter IV of this Decree.
2. Complying with provisions of the Commercial Law and relevant legal regulations on promotional activities.
3. Complying with provisions on protection of customer's personal information specified in Section 1, Chapter V of this Decree.
4. Complying with provisions in Section 2, Chapter II of this Decree if the website has an online ordering function for goods vouchers and service vouchers or frequent customer cards.
5. Complying with provisions in Section 2, Chapter V of this Decree if the website has an online payment function.
6. Fully publishing contents specified in Article 40 of this Decree in each promotional information posted on their websites.
7. Developing and publishing on their website the regulations of operation complying with provisions in Article 38 of this Decree.
8. Developing and publishing on their website the mechanism of receiving and handling customer's complaints about the quality of goods or services to be promoted or goods or services used for promotion.
9. Taking responsibility of the third party in providing information about goods or services for consumers in accordance with the Law on Protection of consumers' rights.
10. Claiming compensation for customers if the goods vouchers, service vouchers or frequent customer cards that they have issued are denied by their partners in contrast with the conditions published on their websites or on those goods vouchers, service vouchers or frequent customer cards.

Article 42. Responsibilities of traders, organizations or individuals having goods or services to be promoted

1. Fully and accurately providing information about the goods or services to be promoted.
2. Properly performing commitments about the quality of goods or services to be promoted according to the information provided.

Article 43. Contract of promotion services

1. Promotion service contract between the traders or organizations providing the online sale promotion services and the traders, organizations or individuals having goods or services to be promoted shall comply with provisions in Article 90 of the Commercial Law and must include the following contents:

a) Dividing responsibilities among parties whereby in the implementation of the order and procedures for implementation of promotional activities in accordance with legal regulations on promotion;

b) Specifying the obligations to handle complaint and make compensation for customers in case the goods or services to be promoted or goods or services used for promotion are not consistent with the content announced or committed.

2. The traders or organizations providing online sale promotion services shall take responsibility to implement the obligations referred to at Point a and b, Clause 1 of this Article if the contract of promotion services does not specify the contents above.

Section 4

ACTIVITIES OF ONLINE AUCTION WEBSITE

Article 44. Provision of online auction services

1. Traders or organizations providing online auction services (hereinafter referred to as online auction service provider) are the traders or organizations setting up the online auction websites for other traders or organizations to organize auction of their goods on those websites.

2. Traders or organizations providing online auction services shall not be entitled to organize online auction if they do not register their business of auction services.

Article 45. Requirements for technical system to serve activities of online auction.

1. Technical system to serve activities of online auction must have at least the following functions:

- a) Recording and storing all bids in an auction;
- b) After the start of an auction, every thirty (30) seconds showing on the website the highest bid recorded and the person offering that bid for all parties involving in the auction may see.

2. In case the system does not allow the auction participants to withdraw the bid offer, the system must have clear announcement to the auction participants about this prior to the auction. The announcement shall specify the auction participant's responsibilities in case of bid offering without goods purchase.

Article 46. Responsibilities of the traders or organizations providing online auction services.

1. Registering online auction website as specified in Section 2, Chapter IV of this Decree.

2. Performing duties specified in Article 36 of this Decree.

3. Defining method and order of online auction.

4. Developing technical system to support the online auction activities for the sellers to organize auction by the defined method and order.

5. Providing online tools for the sellers to announce and list publicly, fully and accurately necessary information related to the auctioned goods

6. Providing online tools for the sellers to post images of goods, sample of goods or materials introducing their goods to the auction participants for consideration.

7. Providing the sellers with information about the progress of auction organized by the sellers upon their request.

8. Making announcement of the auction result and sending it to the sellers and purchasers and other parties concerned as specified in Article 51 of this Decree.

9. Taking responsibilities in case of errors of technical system that cause the failure of auction.

a) If the errors of technical system that make the auction do not start at the time the sellers intend to organize the auction, the online auction service provider must refund the sellers all costs related to the organization of auction that the sellers have paid to the online auction service provider;

b) If the errors of technical system that make the auction participants do not offer bids after the start of auction, the online auction service provider must cancel the result of auction and allow the sellers to re-organize the auction and bear all costs related to the re-organization of auction.

Article 47. Responsibilities of the sellers on online auction website

1. Publicly and fully and accurately announcing and posting necessary information related to the goods to be auctioned.

2. Announcing the threshold price and acceptable sale price, if any.

3. Taking responsibilities for the quality and specifications of the goods to be auctioned.

4. Handling the buyer's complaints about the auctioned goods.

5. Not selling goods subject to pledge, mortgage or in dispute.

6. Performing other duties as prescribed in Article 37 of this Decree.

Article 48. Place and time of auction

1. The place of auction is the place of permanent residence registration or the seller's head office.

2. The time of auction is decided by the seller.
3. Bidding time of the auction participants is the time of sending e-communications to announce an explicit bid in an auction.
4. Time for recording a bid is when the information system of the traders or organizations providing the online auction services receives the e-communications announcing the bids of the auction participants.

Article 49. Announcement of goods auction

Announcement of goods auction is made on the online auction website and must include the following contents:

1. Starting time of auction.
2. Ending time of auction.
3. Contact information of the seller.
4. Necessary information related to the goods.
5. Threshold price.
6. Acceptable sale price, if any.
7. Time limit and method of payment.
8. Time limit and method of delivery of goods to the buyers after the auction.
9. In case, the auctioned goods must be registered for ownership as prescribed by law, the announcement of auction must include additional contents:
 - a) Time and place of goods display;
 - b) Time and place of goods document reference;
 - c) Time and place of goods purchase registration;
 - d) Time and method to conduct procedures for transferring the ownership of goods.

Article 50. Identification of goods buyers

1. For method of up-bidding, the buyer is the first person having the last bid higher than that of the previous person and higher than the acceptable sale price that shall be recorded by the information system of the traders or organizations providing online auction services before the end of auction.
2. For method of down-bidding, the buyer is the first person accepting the threshold price or the bid set lower than the threshold price that shall be recorded by the information system of the traders or organizations providing online auction services before the end of auction.
3. In case a lot of people offer the same final bid for the method of up-bidding or the threshold price for the method of down-bidding, the seller shall organize the drawing among those people to decide who is the buyer.

Article 51. Announcement of auction result

1. The traders, organizations providing the online auction services must make announcement of goods auction result right after the auction, even in cases of unsuccessful auctions.
2. Announcement must specify information about the goods, the final bid, the time at which the system receives the final bid, contact information of the buyer.
3. For goods that must be registered for the ownership as prescribed by law, announcement of goods auction result is the ground to set up a contract of sale and purchase of auctioned assets and perform the relevant procedures to transfer ownership of such goods.
4. Announcement of auction result shall be sent to the sellers and the buyers' e-mail address which has been registered with the traders or organizations providing the online auction services.
5. In case a lot of people offer the same final bid for the method of up-bidding or the threshold price for the method of down-bidding, the system must send announcement to all these people and require them to make drawing to decide who is the buyer. The form of drawing is decided by the seller.

Chapter 4
MANAGEMENT OF E-COMMERCE ACTIVITIES

Section 1
MANAGEMENT OF E-COMMERCE SALE WEBSITE

Article 52. Conditions for setting up e-commerce sale website

Traders, organizations or individuals are entitled to set up the e-commerce website upon meeting the following conditions:

1. Being the traders or organizations with appropriate functions and duties or individuals issued with personal tax code.
2. Having websites with valid domain name and complying with regulations on information management on the Internet.
3. Having notified the setting up of e-commerce website to the Ministry of Industry and Trade as prescribed in Article 53 of this Decree.

Article 53. Notification procedures for setting up e-commerce sale website

1. Traders, organizations or individuals setting up their e-commerce sale websites must notify the Ministry of Industry and Trade through the E-commerce Administration Portal.
2. Information provided must include:
 - a) Domain name of e-commerce website;
 - b) Type of goods and services shown on the website;
 - c) Registered name of the traders, organizations or name of the website owner.
 - d) Head office address of the traders, organizations or permanent residence of individuals.
 - e) Number, date and place of issue of the certificate of business registration of the traders, or number, date of issue and the unit issuing the establishment decision of the organizations, or personal tax code of individuals;
 - g) Name, title, identification number, telephone number and e-mail address of the trader's representative and the person responsible for e-commerce website;

h) Other information as prescribed by the Ministry of Industry and Trade.

Section 2

MANAGEMENT OF E-COMMERCE SERVICE WEBSITE

Article 54. Conditions for setting up e-commerce service website

Traders or organization are allowed to set up e-commerce service websites as specified in Section 2, 3 and 4, Chapter III of this Decree upon meeting the following conditions:

1. Being the traders or organizations having their business line or appropriate functions or duties.
2. Having websites with valid domain name and complying with regulations on information management on the Internet.
3. Having plans for service provision specifying the following contents:
 - a) Model of organization and operation including service provision, promotion and marketing services both online and offline.
 - b) Structure, feature and basic information on the e-commerce service website.
 - c) Dividing rights and obligations among traders or organizations providing e-commerce services with the parties using services.
4. Having registered to set up e-commerce service website and having been certified for registration by the Ministry of Industry and Trade as specified in Article 55 and 58 of this Decree.

Article 55. Registration procedures for setting up e-commerce service website

1. The traders or organizations conducting online registration with the Ministry of Industry and Trade about the setting up of e-commerce service websites after these websites have been completed with all structure, features and information under the plan for service provision, and operated at the registered domain name address and before these websites officially provide the users with services.
2. The registration record includes:

- a) Application form for setting up e-commerce service website;
- b) A certified copy of establishment decision (for organizations), certificate of business registration, certificate of investment or license of investment (for traders);
- c) Plan for service provision as specified in Clause 3, Article 54 of this Decree;
- d) Regulations on e-commerce service website management complying with provisions of this Decree and relevant legal regulations;
- e) Sample service contract and general transaction conditions, if any;
- g) Other documents specified by the Ministry of Industry and Trade.

Article 56. Modification, supplementation, re-registration and termination of registration

1. Traders or organizations setting up e-commerce service websites must notify the modification and supplementation of registered information when one of the following changes is made:

- a) Change of the name of the traders or organizations;
- b) Change of the trader's representative and person responsible for the service website;
- c) Change of head office address or contact information;
- d) Change of domain name;
- e) Change of regulations and conditions for transaction on website
- g) Change of terms of service contract;
- h) Change or supplementation of services provided on the website;
- i) Other changes specified by the Ministry of Industry and Trade.

2. Traders or organizations upon receiving the transfer of e-commerce service website must re-register according to the regulations in the Article 55 of this Decree.

3. E-commerce service website shall be terminated its registration in the following cases:

- a) At the request of the traders or organizations providing e-commerce services;

- b) The traders or organizations providing e-commerce services stop operating or transferring their e-commerce service websites to other traders or organizations;
- c) E-commerce service websites have no operation or give no respond upon requirement of the state agencies for a period exceeding 30 (thirty) days;
- d) The traders or organizations providing e-commerce services are terminated their registration as specified in Clause 3, Article 78 of this Decree.
- e) Other cases prescribed by the Ministry of Industry and Trade.

Article 57. Reporting obligation

Before January 15 of each year, traders or organizations providing e-commerce services must report to the Ministry of Industry and Trade the statistical data of operation status of the previous year as specified in Article 8 of this Decree.

Article 58. Competence to issue registration

1. The Ministry of Industry and Trade is the unit certifying the registration for e-commerce service websites.
2. The Ministry of Industry and Trade shall specify requirements of dossiers, order, procedures for registration, modification, supplementation and termination of registration for e-commerce service websites.

Article 59. Publicizing registration information

1. Right after having been certified for registration, the e-commerce service website shall have a registration seal on the homepage. Clicking this seal, the users are connected to the registration information of the traders or organizations providing e-commerce services on the E-commerce Administration Portal.
2. The Ministry of Trade and Industry shall publish a list of e-commerce service websites that are registered, terminated or canceled their registration on the E-commerce Administration Portal and on other mass media.

Section 3
CONDUCT OF EVALUATION, MONITORING AND CERTIFICATION
IN E-COMMERCE

Article 60. General principle

1. Traders or organizations conducting trust evaluation of e-commerce websites must register with the Ministry of Industry and Trade.
2. The traders or organizations conducting the following activities must have license issued by the Ministry of Industry and Trade.
 - a) Evaluation and certification of policy on personal information protection of the traders, organizations or individuals involved in e-commerce;
 - b) Certification of e-contract.

Article 61. Trust evaluation of e-commerce website

1. Conditions for conducting the trust evaluation of e-commerce website:
 - a) Being the traders or organizations established under Vietnamese law with appropriate functions and duties;
 - b) Being organizationally and financially independent with the traders, organizations or individuals owning the e-commerce websites which are under trust evaluation;
 - c) Having a set of criteria and process of evaluation of e-commerce website that are transparently publicized and uniformly applied to subjects to be rated;
 - d) Having registered the trust evaluation of e-commerce website with the Ministry of Industry and Trade and having been certified for registration.
2. Traders or organizations conducting the trust evaluation of e-commerce website shall be terminated their registration in the following cases:
 - a) Having fraudulent acts or providing fake information upon registration;

b) Failing to comply with the procedures and criteria of trust evaluation publicized;

c) Taking advantage of trust evaluation for illicit benefits.

3. The Ministry of Industry and Trade shall specify trust evaluation of e-commerce website, dossiers, order, procedures for registration, modification, supplementation, cancellation of registration for the traders or organizations conducting these activities.

4. Obligations of the traders or organizations conducting trust evaluation of e-commerce website:

a) Monitoring operation of e-commerce websites displaying trust seal;

b) Closely coordinating with the state agencies in inspection, examination and handling of e-commerce websites with trust seal which are detected with signs in violation of law;

c) Before the 5th day of each month, reporting to the Ministry of Industry and Trade the updated list of e-commerce websites granted trust seal counted to the end of the previous month.

d) Before 15th January of each year, reporting to the Ministry of Industry and Trade the activities of trust evaluation of e-commerce websites of the previous year.

Article 62. Evaluation and certification of policy on personal information protection in e-commerce

1. Conditions for licensing the traders or organizations conducting the evaluation and certification of policy on personal information protection in e-commerce:

a) Being the traders or organizations established under Vietnamese laws;

b) Having business registration or establishment decision which specifies that the fields of business activity are evaluation and certification of policy on personal information protection in e-commerce;

c) Being organizationally and financially independent with the traders, organizations or individuals to be evaluated and certified for the data privacy policy;

d) Having detailed operation plan which has been appraised by the Ministry of Industry and Trade;

e) Having criteria and procedures for evaluation of policy on personal information protection pursuant to the regulations of the Ministry of Industry and Trade;

2. License of evaluation and certification of policy on personal information protection in e-commerce has duration as requested for licensing.

3. The traders or organizations shall be revoked their license of evaluation and certification of policy on personal information protection in the following cases:

a) Having fraudulent acts or providing fake information for licensing;

b) Violating the procedures and evaluation criteria which have been appraised by the Ministry of Industry and Trade;

c) Taking advantage of evaluation and certification of data privacy policy for illicit benefits;

d) Failing to operate services after 180 (one hundred and eighty) from the date of issue.

4. Obligations of the traders or organizations evaluating and certifying the policy on personal information protection in e-commerce:

a) Monitoring the observance of the traders or organizations that have been certified for the policy on personal information protection;

b) Closely coordinating with the state agencies in inspecting, examining and handling the traders or organizations certified for the policy on personal information protection which are detected with signs of violation of law.

c) Before January 15th of each year, reporting to the Ministry of Industry and Trade on the result of evaluation and certification of the policy on personal information protection in e-commerce of the previous year.

5. The Ministry of Industry and Trade specifies criteria and process of evaluation and certification of data privacy policy, order and procedures for issuance, modification, supplementation and revocation of operating license issued to these organizations.

6. Recognizing the foreign organizations of evaluation and certification of the policy on personal information protection:

a) Certification of the policy on personal information protection in e-commerce issued by the foreign organizations of evaluation and certification of the policy on personal information protection shall be recognized when those organizations are issued with Certificate of recognition by the Ministry of Industry and Trade.

b) Foreign organization of evaluation and certification of the policy on personal information protection are issued with Certificate of recognition upon meeting the following conditions:

- The organization has been licensed or certified to be eligible for operation in this field by their competent agencies.

- The organization is recognized by an international organization in which Vietnam is a member;

- Criteria of evaluation and certification of the policy on personal information protection of that organization are not lower than those specified by the Ministry of Industry and Trade.

- The organization of evaluation and certification of the policy on personal information protection has committed to comply with obligations specified in Clause 4 of this Article.

c) The Ministry of Industry and Trade specified the order, procedures for issuance and revocation of Certificate of recognition of the foreign organization of evaluation and certification of the policy on personal information protection.

Article 63. E-contract Certification

1. Conditions for licensing the traders or organizations that provide e-contract certification services:

a) Requirements on subject:

- Being the traders or organizations established under Vietnamese law with appropriate functions and duties;
- Having detailed plan for service provision which has been appraised by the Ministry of Industry and Trade.

b) Technical and financial requirements:

The Ministry of Industry and Trade specifies the technical and financial requirements for the traders or organizations certifying e-contract .

2. The operating license of the traders or organizations certifying e-contract has duration as requested for licensing.

3. Obligations of the traders or organizations certifying e-contract:

a) Taking responsibility for the security and integrity of electronic communications that they have stored and certified;

b) Providing documents and assisting the state agencies to investigate acts of violation of law related to the electronic communications that they have stored and certified;

c) Before January 15th of each year, reporting to the Ministry of Industry and Trade the e-contract certification of the previous year.

4. The Ministry of Industry and Trade specifies details of the procedures for establishment and operation regulations of the traders, organizations certifying e-contract, cases of revocation of operating license, order, procedures for issuance, modification, supplementation and revocation of operating license of these traders or organizations.

Section 4
E-COMMERCE ADMINISTRATION PORTAL

Article 64. Functions of E-commerce Administration Portal

1. The Ministry of Industry and Trade is responsible for the development, update and maintenance of the E-commerce Administration Portal.
2. The E-commerce Administration Portal has the following functions:
 - a) Providing online public services for notification procedures for the setting up of e-commerce sale website as specified in Section 1 of this Chapter;
 - b) Providing online public services for registration procedures for e-commerce service website as specified in Section 2 of this Chapter;
 - c) Providing guideline about the process and forms of procedures for registration and licensing of monitoring, evaluation and certification services in e-commerce as specified in Section 3 of this Chapter;
 - d) Publicizing the information specified in Article 65, 66 and 67 of this Decree.

Article 65. List of e-commerce websites having performed procedures for notification and registration.

1. The Ministry of Industry and Trade shall publicize the following list on E-commerce Administration Portal:
 - a) The list of e-commerce sale websites which have notified as specified in Section 1 of this Chapter;
 - b) The list of e-commerce sale websites which have registered as specified in Section 2 of this Chapter.
2. The Lists specified in Clause 1 of this Article include the following information:
 - a) Name of e-commerce website and type of website as notified or registered with the Ministry of Industry and Trade;

b) Name and contact information of the traders, organizations or individuals that are the owners of e-commerce websites;

c) The business registration number of the traders, the establishment decision number of the organizations or the personal tax code of those are the owners of e-commerce website.

Article 66. List of the traders or organizations providing trust evaluation service for e-commerce website

1. The Ministry of Industry and Trade shall publicize on the E-commerce Administration Portal the list of traders or organizations providing the trust evaluation services for e-commerce website registered pursuant to the Section 3 of this Chapter.

2. The List specified in Clause 1 of this Article includes the following information:

a) The name of the traders or organizations that provide trust evaluation services for e-commerce website;

b) The business registration number or the establishment decision number of the traders or organizations;

c) The head office address, telephone number and e-mail address of the traders or organizations;

d) The list of e-commerce websites granted trustmark by the traders or organizations;

Article 67. List of e-commerce websites recommending consumer's caution

1. The Ministry of Industry and Trade shall publish on the E-commerce Administration Portal the following lists:

a) The list of e-commerce websites in violation of law;

b) The list of e-commerce websites which are complained with the signs in violation of law.

2. The Ministry of Industry and Trade stipulates in detail the mechanism of receiving and popularizing complaints of organization or individual about the e-commerce websites as specified in Clause 1 of this Article.

Chapter 5.

SAFETY AND SECURITY IN E-COMMERCE TRANSACTION

Section 1

PERSONAL INFORMATION PROTECTION IN E-COMMERCE

Article 68. Responsibilities for protection of consumer's personal information.

1. In the course of e-commerce business, if traders, organizations or individuals collect the consumer's personal information, they shall have to comply with the provisions of this Decree and the regulations of the relevant laws on personal information protection.

2. In case, traders, organizations or individuals involving in e-commerce business authorize a third party to collect the consumer's personal information:

a) The contract between the two parties must clearly define the responsibilities of each party in compliance with the provisions of this Decree and the regulations of the relevant laws on -protection of personal information;

b) If the contract between the parties does not specify the responsibilities of each party, the traders, organizations or individuals involved in E-commerce business shall take the responsibility in case the collection, storage and use of the consumer's personal information violate the provisions of this Decree and the regulations of the relevant laws on personal information protection.

Article 69. Policies on protection of consumer's personal information

1. Traders, organizations or individuals collecting and using the consumer's personal information must build up and publish the policies on personal information protection with the following contents:

- a) Purpose of collecting personal information;
 - b) Scope of using personal information;
 - c) Time of information storage;
 - d) Persons or organizations may have access to that information;
 - e) Address of the unit collecting and managing information, including the method of contact for the consumers to ask about the collection and processing of information related to them;
 - g) Methods and tools for consumers to access and modify their personal data on the e-commerce system of the information collecting unit.
2. The above contents must be clearly displayed for the consumers before or at the time of collecting information
3. If the information collecting is done through the e-commerce website of the information collecting unit, the policies on protection of personal information must be made public in a conspicuous place on this website.

Article 70. Asking for the consumer's permission upon information collecting

1. Except for the cases specified in Clause 4 of this Article, the traders or organizations collecting and using the consumer's personal information on e-commerce website (referred to as information collecting unit) must have prior consent of the consumer having that information (referred to as information subject).
2. The information collecting unit must set up the mechanism for the information subject to clearly express their consent through online functions on the website, E-mail, messages or other methods as agreed by the two parties.
3. The information collecting unit must have specific mechanism for the information subject to choose the permission or refusal of using their personal information in the following cases:

- a) Sharing, disclosure and transfer of information to a third party;
 - b) Use of personal information to send advertisements, introduce products and other commercial information.
4. The information collecting unit shall not need the information subject's prior consent in the following cases:
- a) Collecting personal information that has been publicized on E-commerce websites;
 - b) Collecting personal information to sign or perform a contract of sale and purchase of goods and services;
 - c) Collecting personal information to calculate the price and charge of use of information, products and services on the network environment.

Article 71. Use of personal information

1. The information collecting unit must use the consumer's personal information for the right purpose and scope announced except for the following cases:
- a) Having a private agreement with the information subject upon the purpose and scope of use in addition to the purposes and scope noticed
 - b) To provide services or products at the request of information subject.
 - c) Performing obligations as prescribed by law.

2. The use of information specified in this Article includes sharing, disclosure and transfer of personal information to a third party.

Article 72. Safety and security assurance of personal information

1. The information collecting unit must ensure the safety and security for personal information it collects and stores and prevents the following acts:
- a) Stealing or unauthorized access to the information;

b) Unauthorized use of information;

c) Unauthorized modification, destruction of information.

2. The information collecting unit must have a mechanism to receive and settle the consumer's complaints concerning the use of personal for the purpose or scope inappropriate with the ones noticed. .

3. In case the information system is attacked, causing a risk of loss of consumer's information, the information storing unit must notify the authorities within 24 (twenty four) hours after the detection of incident.

Article 73. Checking, update and modification of personal information

1. The information subjects have the right to require the information collecting unit to perform the checking, update, modification or deletion of their personal information.

2. The information collecting unit shall check, update, modify or delete the information subjects' personal information upon requirement or provide the tool for the information subjects to check, update or modify their personal information by themselves.

Section 2

PAYMENT SECURITY IN E-COMMERCE

Article 74. Responsibilities of traders, organizations or individuals owning e-commerce website with online payment function

1. Traders, organizations or individuals owning e-commerce website with online payment function must ensure the safety and security of customer's payment transaction, handle complaints and make compensation for damages in case the customer's payment information is changed, deleted, removed, duplicated, disclosed, moved illegally or appropriated causing damages to customers.

2. In case of self development of payment solutions to serve their own sale e-commerce websites, traders, organizations or individuals that own these websites must adopt the following measures to ensure safety and security for customer's payment transactions.

- a) Setting up the information system to serve the payment activities to ensure online connection of 24 (twenty four) hours a day and 7 (seven) days a week. The downtime of the system for maintenance does not exceed 12 (twelve) hours for each time of maintenance with prior notification to customers;
- b) Encrypting information and using security protocols to ensure that no information is released on the transmission line;
- c) Deploying applications capable of detection, alert and prevention of unauthorized access and other forms of attack on the network environment to the information system in service of their online payment activities;
- d) Having plans to control access right to the system, the right to go in and out of the place of the information system equipment in service of their online payment activities;
- e) Having process, backup system and data recovery when the information system serving the payment activities has problem, ensuring payment data backup into information carrier or online backup of entire data;
- g) Storing data of each payment transaction by term as prescribed in the Accounting Law;
- h) In case the customer makes payment prior to purchase goods or services, the customer's payment must be kept at service providers.

3. The traders, organizations or individuals that own e-commerce websites with online payment function must publish the policies on security of customer's payment information on their websites.

Article 75. Responsibilities of traders or organizations providing intermediary payment services of e-commerce website

1. Complying with regulations and technical standards on intermediary payment services issued by the State Bank of Vietnam.
2. Storing data of each payment transaction done though their system by term as prescribed in the Accounting Law;

3. Taking joint responsibility with traders, organizations or individuals that own e-commerce websites to use intermediary payment services in case the customer's payment information through that website is changed, deleted, removed, duplicated, disclosed, illegally moved or appropriated causing damage to customers.

4. Before January 15th of every year, making reports to the Ministry of Industry and Trade on the statistic data of service provision to traders, organizations or individuals involved in e-commerce activities.

Chapter 6

SETTLEMENT OF DISPUTE, INSPECTION, EXAMINATION AND HANDLING OF VIOLATION

Article 76. Settlement of dispute in e-commerce

1. Traders, organizations or individuals that own sales e-commerce websites shall receive and deal with customer's complaints related to the contract concluded on their e-commerce websites.

2. Disputes among traders, organizations or individuals selling goods and providing services with their customers during the implementation contract must be settled on the basis of terms of contract published on the website at the time of contracting and regulations of relevant laws.

3. Traders, organizations or individuals selling goods and providing services must not abuse their dominance in the electronic environment to unilaterally settle disputes without the consent of the customers.

4. The settlement of dispute must be through negotiation among parties, mediation, arbitration or court under the procedures and current regulations for the settlement of disputes.

5. Settlement of complaints and disputes on the e-commerce service websites:

a) Traders or organizations providing e-commerce services must publish on their websites the process of receipt, responsibility for settlement of customer's

complaints and mechanism of settlement of disputes related to the contract on their e-commerce websites.

b) If traders or organizations providing e-commerce services do not publish information as specified at Point a of this Clause, they shall take responsibility for receipt and handling of customer's complaint and settlement of disputes related to the contract on their e-commerce websites.

c) Traders or organizations providing e-commerce services may participate in mediation of disputes arising between customers and sellers on their e-commerce websites.

Article 77. Inspection and examination in e-commerce

1. The traders or organizations specified in Section 3, Chapter IV of this Decree shall be subject to annual inspection of the Ministry of Industry and Trade concerning the compliance with the provisions of this Decree and other relevant documents. The result of inspection shall be published on the E-commerce Administration Portal.

2. The traders or organizations specified in Section 1 and 2, Chapter IV of this Decree are subject to examination and inspection of the Ministry of Industry and Trade, the provincial Department of Industry and Trade as prescribed by law.

Article 78. Handling of administrative violations in e-commerce

1. Traders, organizations or individuals having following acts of violations, depending on nature and extent of violation, shall be sanctioned administratively as prescribed by law on handling of administrative violations in the area of e-commerce:

a) Violation of regulation on the acts prohibited in e-commerce activities in Article 4 of this Decree;

b) Violation of regulation on contracting in e-commerce;

c) Violation of regulation on responsibilities of subjects in e-commerce;

- d) Violation of regulation on announcement of setting-up sale e-commerce website;
- e) Violation of regulation on registration of e-commerce service website;
- g) Violation of regulation on evaluation and certification in e-commerce;
- h) Violation of regulation on protection of personal information in e-commerce;
- i) Violation of regulation on payment safety in e-commerce;
- k) No compliance with requirements of the authorized state agencies upon examination and inspection as prescribed by law;
- l) Keeping on operation after the traders or organizations have been terminated their registration for e-commerce service provision;
- m) Keeping on operation after having terminated or cancelled the registration, terminated or revoked the license of evaluation, monitoring and certification in e-commerce;
- n) Violation of other provisions of this Decree.

2. In addition to the administrative sanctions, the authorities shall consider depending on the nature and extent of the violation of the traders or organizations to make a decision on suspension of operation / revocation of use of license or cancellation of registration of e-commerce service website for violations specified in Clause 1 of this Article.

3. In case the traders, organizations or individuals violate and cause damage to material interests of other traders, organizations or individuals, they must make compensation as prescribed by law.

4. Principle of sanction, statute of limitations for sanction and procedures for sanction of administrative violations in the e-commerce activities shall comply with the provisions of the Law on Handling of Administrative Violations and relevant documents.

5. The inspectors of the Ministry of Industry and Trade, the market management agencies, the inspectors of the provincial Departments of Industry and Trade and other state agencies have the right to sanction administrative violations in the e-commerce activities under the competence specified in the Law on Handling of Administrative Violations and the relevant documents.

Chapter 7 **IMPLEMENTATION PROVISION**

Article 79. Implementation effect

1. This Decree shall come into effect from July 1, 2013.
2. This Decree supersedes the Decree No. 57/2006/ND-CP dated on June 9th 2006 of the Government on E-commerce.
3. The e-commerce websites established and operated before the effective date of this Decree must make announcement or re-registration under the provisions of this Decree within 90 (ninety) days from the effective date of this Decree.

Article 80. Responsibility for implementation

1. The Ministry of Industry and Trade is responsible for guiding and examining the implementation of this Decree.
2. The Ministers, heads of ministerial-level agencies, heads of governmental agencies and Chairman of People's Committees of centrally-affiliated cities and provinces are liable to execute this Decree. /.

FOR THE GOVERNMENT
THE PRIME MINISTER

(Signed and stamped)

Nguyen Tan Dung