



VIETNAM GOVERNMENT WEB PORTAL

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THE GOVERNMENT

No. 18/2014/ND-CP

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness

Hanoi, March 14, 2014

DECREE

On the royalty regime in the field of Journalism and Publishing

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

Pursuant to the Civil Code dated June 14, 2005;

Pursuant to the Press Law dated December 28, 1989 and the Law dated June 12, 1999 amending and supplementing a number of articles of the Press Law;

Pursuant to the Law on Intellectual Property dated 29 November 2005 and the Law dated June 19, 2009 amending and supplementing a number of articles of the Law on Intellectual Property;

Pursuant to the 2012 Law on Publishing;

According to the proposal of the Minister of the Information and Communications,

The Government issues the Decree on the royalty regime in the field of Journalism and Publication.

Chapter I

GENERAL PROVISIONS

Article 1: Scope of regulation

This Decree provides the royalty regime for authors and owners of copyright regarding press works (including printing press, voice press, visual press and electronic press), publications as stipulated in Item 4, Article 4 of the Law on Publishing; remuneration for persons who perform jobs related to press works and publications, collect documents and provide information for the purpose of creation of press works and publications.

Article 2: Subjects of application

This Decree applies to authors, owners of copyright, journalists, reporters, editors, press agencies, publishers and other competent authorities, organizations and individuals related to

press works and publications.

Article 3: Definition and Interpretation

1. Royalty means an amount of money paid by a work user to an author or owner of copyright when the press work or publication (“herein after call the work”) is used.

2. Royalty fund means an amount of money set aside by a work user as stipulated for the payment of royalty, remuneration and other material interests.

3. Remuneration means an amount of money paid by a work user to those who perform jobs related to the work, as stipulated in this Decree.

4. Material interests are interests enjoyed by an author or owner of copyright besides royalty, including donated books or newspapers, cards of invitation to work publication; domestic or international prizes, etc.

Article 4: Principles for payment of royalty and remuneration

1. Levels of royalty and remuneration paid to authors, owners of copyright and those who perform jobs related to press works and publications must be based on genres and quality of works, their socio-economic efficiency, the extent of their contributions, regulations on work creation-promoting as stated hereof and regulations of work-using press agencies or work-using contracts signed with publishers. Levels of royalty paid to authors must not be lower than remuneration paid to those who perform jobs related to works in corresponding genres.

2. Authors of works reserved for children, ethnic minorities or investigative reportage; Vietnamese authors directly writing in foreign languages, people of the Kinh ethnic majority directly writing in ethnic minority languages, persons of one ethnic minority directly writing in a language of another ethnic minority; authors of works created under difficult and dangerous conditions and other special cases shall be paid with higher royalty levels for the purpose of creation-promoting.

3. Works in forms of creation or research shall be paid with higher royalty than the translated, adapted, rewritten, transformed, compiled, annotated, selected and anthological works. Authors shall enjoy royalty as stipulated by work-using agencies when such works are used as selected, anthological, adapted, rewritten, transformed works, compiled into new works or translated into other languages. Regarding original works translated into other languages in order to display on other form of press or other publication of the same press agency, the payment of royalty shall be made in accordance with regulations of each press agency.

4. Regarding publicized or disseminated works, when being re-used, authors or owners of copyright shall be paid royalty as prescribed hereof and work-using agencies.

5. Works created for internal circulation and non-commercial purpose shall be paid with lower royalty than works of corresponding genres for commercial purpose. Levels of royalty shall be agreed upon between authors or owners of copyright and work-users.

6. Regarding works with co-authors, the royalty-dividing ratio shall be negotiated by their co-authors.

7. Press works republished and quoted sources from other press agencies which has been agreed to share information according to copyright regulations, levels of royalty shall be agreed by such press agencies.

8. Press agencies must extract to set up royalty funds to the extent of the prescribed sources.

Royalty funds shall be used for payment of royalty to authors or owners of copyright whose works are used; payment of remuneration and material interests; and organization of creation-promoting activities. Such funds shall not be used for any other purpose.

9. Regarding works in genres not yet specified in this Decree, the payment of royalty shall be agreed upon between work-users and work-authors or owners of copyright through package contracts.

10. At least 60 days after works is publicized or disseminated, work-users must pay up royalty to authors or owners of copyright strictly as prescribed.

In the event that such press agencies has contacted and sent notice at least 03 times to persons who enjoy royalty or remuneration, but not receiving any feedback, such royalty or remuneration shall be carried forward to the next year royalty fund.

11. Authors who work for work-using press agencies under contracts create works outside their tasks assigned by such press agencies shall enjoy 100% of royalty.

12. Those who belong to work-using press agencies performing any jobs relating to any press works outside their assigned tasks shall enjoy 100% of remuneration.

Article 5: Complaint and claim

The settlement of complaint and claim regarding the royalty and remuneration regime in the field of journalism and publishing shall be implemented in accordance with the laws on

complaint and claim.

Chapter II

ROYALTY AND REMUNERATION FOR PRINTING AND ELECTRONIC PRESS WORKS

Article 6: Subjects entitled to enjoy royalty and remuneration for printing and electronic press works

1. Authors or owners of copyright whose works are used by press agencies.
2. Leaders of the press agencies, editors and persons who perform jobs related to press works.
3. Those who collect documents and provide information for the purpose of creation of press works.

Article 7: Royalty for printing and electronic press works

1. The royalty frame for printing and electronic press works shall be regulated as following:

Group	Genre	Maximum Coefficient
1	News Replies to readers	10
2	Pictures	10
3	Photos	10
4	Political commentary	30
5	Reportage Memoir Interview	30
6	Literary works	30
7	Studies	30
8	Online Media	50

2. The value of a royalty coefficient unit is equal to 10% of the basic wage rate applied to staff, public servants, officials and armed forces (hereinafter called the basic wage rate).

Regarding press agencies which can finance by themselves operating expenses, the editors-

in-chief may, based on the quality, genre and the royalty coefficient frame, decide to pay royalty higher than the common average royalty; provided not exceeding the maximum co-efficient as stated in the royalty frame.

3. Royalty shall be calculated as following:

Royalty = royalty co-efficient level x the value of a royalty co-efficient unit

4. Other regulations

a) Authors of lyrics of songs or words of comic strip or subtitles of Media genres shall be paid 20-50% of royalties for those works.

b) Authors of translations from foreign languages or ethnic minority languages into Vietnamese or vice versa shall be paid 40-65% of royalties for works of corresponding genres in Vietnamese. Levels of royalty shall be decided by editors-in-chief.

c) Authors of works for children or ethnic minority people shall be additionally paid an incentive royalty amount equal to 10-20% of royalties for those works.

d) Vietnamese authors who directly write in foreign languages, authors of Kinh ethnic majority who directly write in ethnic minority languages, people of one ethnic minority group who directly write in a language of another ethnic minority group shall be additionally paid an incentive royalty amount equal to 30-50% of royalties for those works.

đ) Authors of works created under difficult or dangerous conditions shall be additionally paid an incentive royalty amount which must not exceed royalties for those works.

e) Regarding electronic press, royalty or remunerations for information supplied by readers shall be decided by editors-in-chief, unless mutually agreed otherwise.

g) Regarding interviews, interviewers and interviewees shall be paid an incentive royalty amount by press agencies in accordance with regulations of such press agencies.

Article 8: Royalty funds

1. Royalty funds of printing or electronic press agencies shall be formed from the following sources:

a) Revenue sources from press activities;

b) Revenue sources from economic activities of press agencies;

c) Financial support or aid from inland or overseas organizations, individuals;

d) Financial support from the State Budget, if any.

2. Press agencies shall make deductions for setting up royalty funds by two methods:

a) Regarding press agencies have not financed by themselves the operating expenses: their managing bodies shall be responsible to provide grant so that such agencies can extract to establish royalty funds based on the cost estimate as following:

Annual royalty fund = Total royalties payable to paper or magazine issues published in a year + incentive royalties + remunerations.

- Total royalties payable to paper or magazine issues published in a year = total average royalty coefficients in a paper or magazine issue x the value of a royalty coefficient unit x numbers of paper or magazine issues published in a year.

- Incentive royalties shall not exceed 30% of total royalties payable to paper or magazine issues published in a year.

- Total maximum remunerations shall not exceed 50% of total royalties payable to paper or magazine issues published in a year.

3. Regarding press agencies financing by themselves the operating expenses, royalty funds shall be determined by such press agencies based on such agencies' financial balancing activities.

Chapter III

ROYALTY AND REMUNERATION FOR VOICE PRESS, VISUAL PRESS WORKS

Article 9: Subjects entitled to enjoy royalty and remuneration for voice and visual press works

1. Authors or owners of copyright whose works are used by voice and visual press agencies.

2. Scriptwriters, directors, musicians (excluding music from documentary tapes), for voice press works.

3. Scriptwriters, directors, cameramen, film producers, musicians (excluding music from documentary tapes) and painters, for visual press works.

4. Leaders of the voice and visual press agencies, broadcasters, editors, theatrical or cinematographic actors and actresses and entertainers of other forms of artistic performance, program directors, music directors, lighting designers, art assistants, sound directors or technicians, high-technique cameramen shall be paid remunerations.

Article 10: Royalty for voice and visual press works

1. The royalty frame for voice and visual press works shall be regulated as following:

Group	Genre	Maximum Coefficient
1	News Replies to readers	10
2	Political commentary	30
3	Reportage Memoir Interview	30
4	Literary works	30
5	Studies, scientific and educational instruction	30
6	Seminar, meeting	50

2. The value of a royalty coefficient unit is equal to 10% of the basic wage rate.

3. Authors or owners of copyright prescribed in Clause 1, Article 9 of this Decree shall be paid royalty as provided in the royalty frame.

4. Royalty shall be paid to authors or owners of copyright prescribed in Clause 2, Article 9 of this Decree as follows:

a) Regarding genres 1, 2, 3, 5 and 6 in the royalty frame, authors or owners of copyright shall by paid royalty equal to 20-30% of royalties of the corresponding genres.

b) Regarding genre 4 in the royalty frame, authors or owners of copyright shall by paid royalty equal to 50-150% of royalties of the corresponding genres.

c) Regarding theatrical works and other forms of artistic performance, authors or owners of copyright shall by paid royalty equal to 50-70% of levels of royalty prescribed by laws on the royalty regime for theatrical works and other forms of artistic performance as well as the royalty regime for cinematographic works and videos.

5. Royalty shall be paid to authors or owners of copyright prescribed in Clause 3, Article 9 of this Decree as follows:

a) Regarding genres 1, 2, 3, 5 and 6 in the royalty frame, the authors or owners of copyright shall be paid royalty equal to 50-100% of royalties of the corresponding genres.

b) Regarding genre 4 in the royalty frame, the authors or owners of copyright shall be paid royalty equal to 100-200% of royalties of the corresponding genres.

c) Regarding theatrical works and other forms of artistic performance or cinematographic works, authors or owners of copyright shall be paid royalty equal to the corresponding levels of royalty prescribed by the laws on the royalty regime for theatrical works and other forms of artistic performance as well as the royalty regime for cinematographic works and videos. General Directors (or Directors) of television stations shall be entitled to pay to authors or owners of copyright higher royalties, provided that the total maximum royalties and remunerations shall not exceed 20% of total production expenses regarding television theatrical works or feature films as well as not exceed 60% of total production expenses regarding documentary films and scientific films. (Total production expenses shall not include costs of television equipment).

6. Other regulations

a) Works broadcasted many times shall be paid royalties as agreed upon in the contracts.

b) Regarding genres of video conference, radio conference, live broadcasting show, live TV show and other genres not specified in this Decree, General Directors (or Directors) of radio stations or television stations shall be entitled to pay to authors, owners of copyright or any other persons perform such shows based on their nature and scale.

Article 11: Royalty funds

1. Royalty funds of the voice or visual press shall be formed from the following sources:

a) Revenue sources from press activities;

b) Revenue sources from economic activities of the press agencies;

c) Financial support or aid from inland or overseas organizations, individuals;

d) Financial support from the State Budget, if any.

2. Regarding radio stations or television stations have not financed by themselves the operating expenses: their managing bodies shall be responsible to provide grant so that such

agencies can extract to establish royalty funds based on the cost estimate as following:

Annual royalty fund = Total payable royalties in a year + incentive royalties + remunerations.

- Total payable royalties in a year = average royalty for a broadcasting or TV program x total duration of broadcasting or TV programs in a year

- Incentive royalties shall not exceed 30% of total payable royalties in a year.

- Total maximum remunerations shall not exceed 70% of total payable royalties in a year.

3. Regarding radio stations or television stations financing by themselves the operating expenses or operating in accordance with their specific financial regime, royalty funds shall be determined by such press agencies based on such agencies' financial balancing activities.

Chapter IV

ROYALTY AND REMUNERATION FOR PUBLICATIONS

Article 12: Subjects entitled to enjoy royalty and remuneration for publications

1. Authors or owners of copyright whose publications used by agencies or organizations shall be paid royalty.

2. The collectors, revisers and suppliers of works, documents or materials shall be paid remuneration by work-using agencies or organizations regarding:

a) Folk literary and art works;

b) Written documents of State agencies, political organizations, socio-political organizations, social organizations, socio-professional organizations, economic organizations and translations thereof.

3. Compilers shall be paid remuneration by publication-using agencies or organizations based on their contribution to the manuscript contents.

Royalty and remuneration shall be calculated into costs of the publications.

Article 13: Royalty for publications

1. The royalty frame: Royalty for publications shall be paid based on genres, quality and quantity calculated according to the percentage (%) stated in the following royalty frame:

Group	Genre	Percentage (%)
I	Created publications	
1	Proses	8 - 17%

2	Musical books	10 - 17%
3	Poems	12 - 17%
4	Theatrical or film scenario	12 - 17%
5	Picture books, photo books	8 - 12%
6	Comic strips	4 - 10%
7	Dictionary, reference books	12 - 18%
8	Political, cultural, social or educational theory and research books	12 - 18%
9	Scientific, technological, economic or technical books; scientific projects	10 - 17%
10	Political, cultural, social, educational, scientific or technological knowledge dissemination books	8 - 12%
11	Postgraduate, undergraduate, college or intermediate vocational school textbooks, teaching method books for teachers or parents	8 - 16%
12	Text books, exercise books, notebooks, teacher's books, target program books, (according to programs of the Ministry of Education and Training)	30 - 140% of the basic wage rate/class based on regulations of each program
13	Reference books under the textbook contents	2 - 12%
II	Adapted, rewritten, transformed, compiled, annotated, selected or anthological books	5 - 10%
Group	Genre	Percentage (%)
III	Translated publications	
1	Translation from Vietnamese into a foreign language	8 - 12%
2	Translation from a foreign language into Vietnamese (excluding comic strip)	6 - 12%
3	Translation from a foreign language into another one	12 - 18%
3	Translation from Vietnamese into an ethnic minority language in Vietnam	12 - 15%
4	Translation from an ethnic minority language into another one	15 - 18%
5	Translation from Han-Nom language or an ethnic minority language into Vietnamese	12 - 15%
IV	Tapes, discs or CD ROM replacing or enclosing	10 - 13%

	books	
V	Maps	7 - 23%

2. Based on the real situation, work-using agencies or organizations and authors or owners of copyright shall mutually agree the royalty calculation method and levels of royalty for the following publications:

- a) Electronic publications as prescribed in Item 9, Article 4 of the 2012 Law on Publishing;
- b) Publications with the high theoretical, scientific and real value.
- c) Publications transferred the perpetual ownership.
- d) Other cases as agreed by the parties.

3. Other regulations

a) Correctors of translated works shall be paid 5- 30% of the royalty for the translated works depending on the correction extent and quality.

Where correction is made for over 30% of translated works, correctors shall be co-authors of such works.

b) Compilers, collectors or suppliers of works or documents shall be paid remuneration according to the agreement with work-using agencies or organizations.

c) Regarding translated, adapted, rewritten, transformed, compiled, annotated, selected or anthological works, agencies or organizations using such works must ask for permission of and pay royalty to the authors of the original works. Levels of royalty shall be agreed upon between authors or owners of original works and agencies or organizations using such works.

d) Authors of lyrics of songs or words of comic strips shall be paid 20- 50% of the royalty for those works.

đ) Regarding publications using the State Budget for the purpose of political, national security or foreign relation tasks, ethnic minority people, areas under difficult socio-economic conditions, rural areas, mountains, border areas, islands, children, blind people or other essential tasks, the authors or owners of copyright shall be additional paid 10 - 30% of royalties for those works, together with a royalty amount as prescribed in Item 1, Article 13 of this Decree.

e) The royalties for bilingual publications shall be equal to 50% of the royalties for the translated works of the same genre, prescribed in the royalty frame.

g) Royalty for reprinted publications shall be equal to 50 - 100% of royalties for the 1st publishing and shall be calculated based on the new retail price.

h) In addition to royalty, authors are entitled to receive 05 - 10 copies of a publication. Where a publication belongs to many authors, numbers of copies received by work authors or owners of copyright shall be decided by agencies or organizations using such publication.

i) Leaders of agencies or organizations using publications shall determine the specific royalty or remuneration percentage for publications as prescribed hereof.

Article 14: Mode of royalty calculation

1. Royalty for publications shall be calculated as follows:

Royalty = Percentage (%) x Retail price of publication x Printed quantity

In which:

a) Percentage (%) is the percentage of royalty payment.

b) Retail price of publication means the price printed at the bottom of the fourth cover of the publication (regarding a publication not stated the selling price) at the time of royalty payment to the authors or the owners of copyright.

In cases where later the retail price changes, if there is no other agreement prescribed in the publication using contract, the retail price for royalty calculation shall be the same as the previous one.

c) The printed quantity means the quantity prescribed in the publication using contract.

2. Royalty for publications ordered by the State shall be calculated as follows:

Royalty = Percentage (%) x Cost price x Printed quantity

In which:

a) Percentage (%) and Printed quantity as prescribed in Item 1 of this Article.

b) Cost price means total costs for a publication, excluding cost of publishing

3. Royalty for publications for non-commercial purpose (internal circulation and giving without any receipt) shall be calculated as follows:

Royalty = Percentage (%) x Cost price x Printed quantity

4. Royalty for lessons book, exercise book, notebook, teacher book and target program book,

according to programs of the Ministry of Education and Training under No. 12 of Group I in the royalty frame as stated in Item 1, Article 13 hereof shall be calculated as follows:

Royalty = Percentage (%) x Basic wage rate x Numbers of classes under the program.

Chapter V

IMPLEMENTATION PROVISIONS

Article 15: Implementation Effectiveness

This Decree shall come into effect as of June 01, 2014.

From the effective date of this Decree, Chapter II, Chapter V and Chapter VI of the Decree No. 61/2002/ND-CP dated June 11, 2002 of the Government on the royalty regime shall null and void.

Article 16: Responsibility for implementation

Ministers, heads of ministerial-level agencies, heads of agencies under the Government, Chairmen of the People's Committees of the provinces and cities under the central government, authors and owners of works, press agencies and publishers shall be responsible for implementation of this Decree./.

Recipients:

- The Secretariat of the Central Committee Communist Party;
- Prime Minister, Deputy Prime Ministers;
- Ministries, Ministerial-level agencies, agencies under the Government;
- The People's Councils and the People's Committees of provinces and cities under the central government;
- Office of the Central Committee Communist Party and divisions;
- The Office of General Secretary;
- The Office of Prime Minister;
- The Ethnic Council and the Committees of the National Assembly;
- The Office of the National Assembly;
- The Supreme People's Court of Vietnam;
- The Supreme People's Procuracy of Vietnam;
- The State Audit;
- The National Financial Supervisory Commission;
- The Vietnam Bank for Social Policies;
- The Vietnam Development Bank;
- The Vietnam Fatherland Front Central Committee;
- Central agencies of unions and organizations;
- The Government Office: Minister-Chairman, Vice-Chairmen, Assistant Prime Minister, General Director of Vietnam Government Web Portal, Departments, Agencies, under directly agencies, official journal;
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PP. THE GOVERNMENT

PRIME MINISTER

(Signed and sealed)

Nguyen Tan Dung