THE NATIONAL ASSEMBLY	THE SOCIALIST REPUBLIC OF VIETNAM
---	Independence – Freedom – Happiness

Law No.: 07/2017/QH14	*Hanoi, June 19, 2017*

LAW

ON TECHNOLOGY TRANSFER

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Technology Transfer.

Chapter I

GENERAL PROVISIONS

Article 1. Governing scope

This Law provides for the transfer of technologies in Vietnam, from foreign countries to Vietnam and from Viet Nam to abroad; rights and obligations of organizations and individuals engaged in technology transfer activities; appraisal of technologies in investment projects; technology transfer contracts; measures to promote technology transfers, development of the science and technology market; State management of technology transfer.

Article 2. Interpretation of terms

In this Law, these the following terms shall be construed as below:

1. *Technical Know-how* means the information which is accumulated or discovered during the process of research, production or business, which is decisive factor to the quality and competitiveness of technologies and technological products. Technical Know-how includes technical know-how and technological know-how.

2. *Technology* means a technical solution, process or know-how, which may or may not be associated with a mean or tool to convert resources into products.

3. *Advanced technology* means a technology which has a technological level higher than that of existing technologies of the same type in Vietnam, and has been applied in reality to improve productivity and quality of products which are outstanding and environmentally-friendly.

4. *New technology means* a technology which is created or applied in Vietnam or in the world for the first time, has the technological level higher than that of existing

technologies of the same type in Vietnam, environmentally-friendly, practical in reality and capable of improving productivity and quality of products.

5. *Clean technology* means a technology which generates environmental pollutants at low levels as stipulated by laws on technical standards and regulations, and uses less non-renewable resources than existing technologies.

6. *High technology* means a technology which has a high content in scientific research and technological development; is integrated from modern scientific and technological achievements; creates products which has high quality, outstanding features, high added value and environmental friendliness; plays key role in forming new manufacturing or service industry or modernizing an existing production lines or services.

7. *Technology transfer* means the transfer of the right to own or the right to use a technology from the party that has the right to transfer the technology to a technology transferee.

8. *Domestic technology transfer means* the transfer of technologies which is carried out within the territory of Vietnam.

9. *Transfer of technology from abroad into Vietnam* means the transfer of technologies across borders to the territory of Vietnam.

10. *Transfer of technology from Vietnam to abroad* means the transfer of technologies from the territory of Vietnam across borders to foreign countries.

11. *Commercialization of results of scientific research and technological development* means the exploitation, perfection, application, transfer or other activities related to scientific research and technological development results for profit purposes.

12. *Technology incubation* means the process to create, perfect and commercialize technologies from technological ideas or scientific research and technological development results or from unfinished technologies through assistance activities in terms of necessary technical infrastructure, resources and services.

13. *Science and technology business incubation* means the process to establish and develop science and technology businesses through assistance activities in terms of necessary technical infrastructure, resources and services.

14. *Technology incubator or science and technology business incubator* is a facility that provides conditions as required by law such as necessary technical infrastructure, resources and services to serve for technology incubation or science and technology business incubation.

15. *Technology innovation* means the partial or full replacement of an existing technology by another one to improve productivity, quality and competitiveness of products.

16. *Decoding technology* means that process of discovering technological principles through researching and analyzing the structure, functions and operation of a device, object or system which needs to be decoded in order to maintain, operate, improve or make a new device, object or system that has equivalent functions or meets requirements defined in the national technical standards and regulations.

17. *Technology evaluation* means the determination of the level, economic benefits as well as environmental and socio-economic impacts of a technology.

18. *Technology valuation* means the process of appraising the monetary value of a technology by a technology valuation authority or organization in conformity with the market price at a certain place and time to serve for specific purposes in accordance with applicable valuation standards.

19. *Technology appraisal* means the determination of technological criteria of a technology to be achieved during its application against those agreed upon by the parties.

20. *Technology transfer brokerage* means activities to assist involved parties in seeking partners to carry out technology transfer.

21. *Technology transfer consultancy* means activities to assist involved parties in selecting and applying technologies; collecting information about technology, patents and scientific research and technological results; negotiating, signing and performing technology transfer contracts.

22. *Technology transfer promotion* means activities to create and seek opportunities for technology transfer; provide technology advertisement, exhibition and introduction services; organize technology marketplaces, fairs and exhibitions, matching points for technology supply and demand and technology transaction centers.

Article 3. State policies on technology transfer

1. To ensure the lawful rights and interests of, create favorable conditions for organizations and individuals engaged in technology transfer activities; develop the science and technology market and the national innovation system which focuses on enterprises; improve the national technological level and potentials in order to ensure the national defense, security and rapid and sustainable socio-economic development.

2. To diversify forms and methods of technology transfer; encourage technology transfer from various sources.

3. To prioritize the transfer of high technologies, advanced technologies, new technologies, clean technologies and technologies serve ford for the development of national key and important products, and technologies serve ford for the national defense and security both from abroad into Vietnam and domestic technology transfer; allocate adequate resources for technology transfer activities in agriculture and rural development; attach special importance to technology transfer activities in

geographical areas stricken by difficult or extremely difficult socio-economic conditions.

4. To support technological ideas, innovation start-ups, technology incubation, and science and technology business incubation; activities of technology application and innovation, connect scientific research and technological development organizations and training units or production units; attach special importance to commercializing domestic scientific research and technological development results and developing science and technology market intermediary organizations.

5. To promote the transfer of advanced technologies and high technologies from abroad into Vietnam; encourage the technology transfer from Vietnam to abroad; attach special importance to disseminating advanced technologies and high technologies from foreign-invested enterprises to domestic enterprises; promote innovation campaigns of organizations and individuals.

6. To prevent and eliminate obsolete technologies and other technologies which have negative influence on the socio-economic development, national defense and security, environment and human health.

Article 4. Transferable subject matters of technology

1. Transferrable subject matters of technology is part or the whole of a technology of the following types:

a) Technical know-how and technological know-how;

b) Technological plans and process; technical solutions, parameters, drawings, or diagrams; formulae, computer software and data information;

c) Solutions for production optimization and renovation of technologies;

d) Equipment and machinery accompanying one of the transferable subject matters of technology mentioned in Point a, b and c of this Clause.

2. In case the transferable subject matter of technology specified in Clause 1 of this Article is subject to intellectual property (IP) rights protection, the transfer of the intellectual property rights shall be carried out in accordance with regulations stipulated in the Law on Intellectual Property.

Article 5. Forms of technology transfer

1. Independent technology transfer contract.

2. Technology transfer component in the following cases:

a) Investment projects;

b) Capital contribution by technology;

c) Franchise agreements;

d) Transfer of IP rights;

ÿ 3XUFKDVH DQG VDOH RI PDFKLQHU\ and equipment stipulated in Point d Clause 1 of Article 4 of this Law.

3. Other forms of technology transfer as provided for by law.

4. The technology transfer stipulated in Clause 1 and Point b Clause 2 of this Article must be in forms of contracts; the technology transfer stipulated in Points a, c, d and ÿClause 2 and Clause 3 of this Article shall be in forms of contracts or articles, clauses or appendixes of contracts or dossiers of investment projects which include contents stipulated in Article 23 of this Law.

Article 6. Methods of technology transfer

1. Transfer of documents relating to technology.

2. Provision of training for the party to receive a technology to understand and master the technology within an agreed duration of time.

3. Sending of experts who provides technical support for the party to receive a technology to apply and operate the transferred technology in order to achieve criteria of product quality or progress agreed upon by the parties.

4. Transfer of machinery and equipment accompanying the technology stipulated in Point d Clause 1 Article 4 of this Law together with the methods specified in this Article.

5. Other technology transfer methods agreed upon by the parties.

Article 7. Rights to make technology transfer

1. The owner of a technology shall have the right to transfer to own or the right to use the technology.

2. An organization or individual that is allowed by the owner of a technology to transfer the right to use that technology is entitled to transfer such right.

3. The scope of transferring the right to use a technology shall be agreed upon by the parties, including:

a) Exclusive or non-exclusive right to use a technology;

b) The right to transfer the right to use a technology of the party to receive the technology to the third party.

Article 8. Capital contribution by technology to investment projects

An organization or individual that has the right to transfer technology as stipulated in Article 7 is entitled to make capital contribution by technology to investment projects; in case of investment project funded by the State budget, the technology which is used to make capital contribution shall be valued as stipulated by laws.

Article 9. Technologies encouraged for transfer

1. High technologies; machinery and equipment accompanying high technologies are encouraged for transfer as stipulated by the law on high technologies.

2. Advanced technologies, new technologies and clean technologies which are suitable for the socio-economic conditions of Vietnam shall be encouraged for transfer from abroad into Vietnam or domestically if they can meet any of the following requirements:

a) Creating new products which are of high quality or have the competitiveness higher than that of products created by the existing technology of the same type;

b) Creating key and important national products from domestic scientific research and technological development results;

c) Creating new services, industries, manufacturing and processing branches of new products; raising and cultivating new breeds and varieties which have been verified;

d) Saving natural resources, energy or fuels in comparison with the existing technology of the same type in Vietnam;

ỷ) Generating or using new or renewable energies; storing energies in highly efficient ways;

e) Manufacturing machinery and equipment to improve educational and training quality; medical machines and equipment and pharmaceutical products to serve for medical diagnosis and treatment, protect human health and improve the physical strength of Vietnamese people;

g) Discovering, handling and forecasting to prevent natural disasters and epidemic diseases; salvage and rescue; protect environment and adapt to climate change and reduce the greenhouse gas emission;

h) Manufacturing synchronously according production chains with high socio-economic efficiency;

i) Creating products which can be serve ford concurrently for the national defense, security and civil purposes;

k) Developing and modernize traditional trades and occupations.

3. Technologies; machinery and equipment accompanying technologies stipulated in Point d Clause 1 Article 4 of this Law and exist in Vietnam, except technologies stipulated in Clause 1 and Clause 2 of this Article, Clause 2 Article 10 of this Law; technologies using materials which are domestically manufactured products, semi-products and materials are encouraged for transfer to abroad.

4. The Government is responsible for promulgating the List of technologies encouraged for transfer.

Article 10. Technologies restricted from transfer

1. The technology transfer from abroad into Vietnam or domestically shall be restricted in the following cases:

a) Technologies, machinery and equipment accompanying the technologies which are not popularly used in developed industrialized countries;

b) Using toxic chemicals or generating hazardous wastes which can meet requirements of the national technical standards and specifications;

c) Creating products with genetic engineering;

d) Using or creating radioactive substances which can meet requirements of the national technical standards and specifications;

ỳ) Using natural resources or minerals which are domestically exploited with limitations;

e) Technologies of propagating, raising and cultivating new varieties are not verified.

g) Creating products which have adverse impacts on customs, habits, traditions, practices and social ethnics.

2. The technology transfer from Vietnam to abroad shall be restricted in the following cases:

a) Creating traditional products, manufacturing according to traditional know-how or using, creating categories and species of agricultural varieties, minerals or typical precious materials of Vietnam;

b) Creating products to export to markets which are competitive with key export products of Vietnam.

3. The Government is responsible for promulgating the List of technologies restricted from transfer.

Article 11. Technologies banned from transfer

1. The transfer of the following technologies from abroad into Vietnam or domestically shall be banned as follows:

a) Technologies do not comply with laws on labor safety, labor sanitation, assurance of human health, protection of natural resources, environment and biodiversity;

b) Technologies create products causing adverse impacts on the social ±economic development or badly affecting the national defense, security or social order and security;

c) Technologies; machinery and equipment accompanying the technologies which are not popularly used and transferred in developing countries and are not in conformity with the national technical standards and regulations;

d) Technologies use toxic chemicals or generate hazardous wastes which are not in conformity with technical standards and regulations on environment;

ÿ) Technologies use or create radioactive substances which are not in conformity with technical standards and regulations;

2. The transfer of technologies prescribed on the List of State secrets from Vietnam to abroad is banned, unless otherwise stipulated by law.

3. The Government is responsible for promulgating the List of technologies banned from transfer.

Article 12. Prohibited acts in technology transfer

1. Abusing technology transfer activities to harm the national defense, securest, national interests, human health, environment, social ethnics, customs and habits; violate lawful rights and interests of organizations or individuals; destroying natural resources or biodiversity.

2. Transferring technologies on the list of those banned from transfer; illegally transferring technologies on the list of those restricted from transfer.

3. Infringing upon technology transfer rights.

4. Committing deceits or frauds in making and performing technology transfer contracts, technology transfer service contracts, and technology-related contents specified in contracts or investment project dossiers.

5. Obstructing the provision of, or refusing to provide information concerning technology transfer activities upon requests by competent State agencies.

6. Disclosing technological secrets illegally or obstructing technology transfer activities.

7. Using technologies other than those approved or granted with license by competent State agencies.

Chapter II

APPRAISAL OF TECHNOLOGIES USED IN INVESTMENT PROJECTS

Article 13. Appraisal or comments on technologies used in investment projects

1. In the stage of making investment policy decisions, the technological appraisal of investment projects using public investment funds shall be performed in accordance with the law on public investments.

2. In the stage of making investment policy decisions in accordance to the investment law, the following investment projects are required to be appraised technologically by the competent State agencies:

a) Investment projects use the technology on the List of technologies restricted from transfer;

b) Technology-using investment projects at risk of adversely affecting the environment in accordance with the law on environment protection.

3. In the stage of making investment policy decisions, the technological appraisal or comments shall be performed as follows:

a) Construction investment projects using the technology on the List of technologies restricted from transfer or technology-using construction investment projects at risk of adversely affecting the environment in accordance to the law on environment protection must be appraised technologically in accordance with this Law.

b) Construction investment projects other than those not defined in Point a of this Clause must be appraised technologically in accordance with the construction law;

c) Investment projects using public investment funds without construction components must be appraised in accordance with the law on public investment.

4. During the course of implementation of an approved investment project, if there is any adjustment or change on the appraised technology, the investor must report to the agency which has appraised or commented on the technology in order to carry out procedures on appraising or commenting on the adjustment or change of the technology.

Article 14. Competent to appraise or comment technologically in the stage of making investment decisions

1. The competent to appraise technology-using investment projects which use public investment funds shall be performed in accordance with the law on public investment.

2. The competent to appraise or comment technologically on projects stipulated in Point a Clause 2 Article 13 of this Law or projects at risk of adversely affecting the environment in which use the technology in the List of technologies restricted for transfer shall be performed as follows:

a) The State Appraisal Council shall be responsible for carrying out the technology appraisal for investment projects which has investment policy decisions made by the National Assembly;

b) The Ministry of Science and Technology shall chair and coordinate with relevant agencies and organizations to comment technologically on investment projects which has investment policy decisions made by the Prime Minister;

c) Specialized science and technology agencies under the provincial-level 3 H R S O H ¶ V Committees shall chair and coordinate with relevant agencies and organizations to comment technologically on investment projects which require investment policy decisions and G R Q ¶ W o the cases defined in Point a and Point b of this Clause.

3. The competent to appraise or comment technologically on projects defined in Point b Clause 2 Article 13 of this Law shall be performed as below:

a) The State Appraisal Council shall be responsible for carrying out the technology appraisal for investment projects which has investment policy decisions made by the National Assembly;

b) Ministries in charge of branches and fields shall chair and coordinate with the Ministry of Science and Technology, relevant agencies and organizations to comment technologically on investment projects which has investment policy decisions made by the Prime Minister;

c) Specialized agencies under the provincial- O H Y H O 3 H R S O H ¶ V chair and coordinate with relevant agencies and organizations to comment technologically on investment projects which require investment policy decisions and G R Q ¶ W to the cases defined in Point a and Point b of this Clause.

Article 15. The competent to appraise or comment technologically in the stage of making investment decisions

1. The competent to appraise or comment on technologies used in the projects stipulated in Point a Clause 3 Article 13 of this Law shall be performed as below:

a) The State Appraisal Council shall appraise technologically for projects of national importance;

b) Specialized construction agencies as defined by the law on construction shall chair and coordinate with same-level Stage management agencies of branches and fields to appraise technologically for State-budget funded projects in Group A, B and C;

c) State management agencies of branches and fields shall appraise or comment technologically for projects in Group A, B and C, which use non-State budget and other funding sources.

2. The competent to appraise technologically for investment projects mentioned in Point b Clause 3 Article 13 of this Law shall be performed in accordance with the construction law.

3. The competent to appraise technologically for investment projects mentioned in Point c Clause 3 Article 13 of this Law shall be performed in accordance with the law on public investment.

Article 16. Explanation contents about technology use in investment project dossiers

1. In the stage of making investment policy decisions, the technology-related explanation contents in investment project dossiers consist of:

a) Analysis and selection of technology plans;

b) Name, origin and process diagram of the technology; estimated list, status and technical specifications of main machinery/ equipment of technology lines in the selected technology plan;

c) Documents proving that the technology has been verified (if any);

d) Estimated plan for training and providing technical assistance to operating the technology lines (if any);

ỳ) Conditions for technology use;

e) Preliminary environmental impact assessments (if any);

g) Draft technology transfer contract in case of the capital contribution by technology.

2. In the stage of making investment decisions, the technology-related explanation contents in investment project dossiers consist of:

a) Name, origin and process diagram of the technology; estimated list, status and technical specifications of main machinery/ equipment of technology lines;

b) Products, standards and quality of the products;

c) Capacities of supplying materials and fuels for technology lines;

d) Training programs and technical assistance for operating technology lines;

ỳ) Investment costs of technology, machinery, equipment, training and technical assistance.

Article 17. Procedures of technological appraisal or comment for investment projects in the stage of making investment policy decisions

Procedures of technological appraisal or comment in the stage of making investment policy decisions shall be performed as follows:

1. For investment projects using public investment funds, the procedure of technological appraisal shall be performed in accordance with the law on public investment;

2. For investment projects mentioned in Clause 2 Article 13 of this Law which have investment policy decisions made by the National Assembly, the procedure of technological appraisal shall be performed in accordance with the investment law;

3. For investment projects mentioned in Point a Clause 2 Article 13 of this Law which have investment policy decisions made by the Prime Minister, within the 03-working day duration as of receiving sufficient project dossiers, the investment registration agency shall be responsible for sending the investment project dossiers to the Ministry of Science and Technology for technological comment;

4. For investment projects mentioned in Point a Clause 2 Article 13 of this Law which have investment policy decisions made by neither the National Assembly nor the Prime Minister, within the 03-working day duration as of receiving sufficient project dossiers, the investment registration agencies shall be responsible for sending the investment project dossiers to specialized science and technology agencies under the provincial-level People's Committees for technological comment;

5. For investment projects mentioned in Point b Clause 2 Article 13 of this Law which have investment policy decisions made by the Prime Minister, within the 03-working day duration as of receiving sufficient project dossiers, the investment registration agencies shall be responsible for sending the investment project dossiers to Ministries in charge of branches and fields for technological comment;

6. For investment projects mentioned in Point b Clause 2 Article 13 of this Law which have investment policy decisions made by neither the National Assembly nor the Prime Minister, within the 03-working day duration as of receiving sufficient project dossiers, the investment registration agencies be responsible for sending the investment project dossiers to specialized agencies under the provincial-level People's Committees for technological comment;

7. The duration of technological comment as stipulated in this Article is 15 days as of receiving sufficient project dossiers.

Article 18. Procedures of technological appraisal or comment for investment projects in the stage of making investment decisions

1. Procedures of technological appraisal or comment in the stage of making investment decisions for the projects mentioned in Point a Clause 3 Article 13 of this Law shall be performed as follows:

a) For projects of national importance, the procedure of technological appraisal shall be performed in accordance with the investment law and the law on public investment;

b) For State-budget funded projects in Group A, B and C, within the 05-working day duration as of receiving sufficient project dossiers, specialized construction agencies as defined by the construction law shall be responsible for sending the written documents together with excerpts of relevant documents to the same-level Stage management agencies of branches and fields for technological comment;

c) For projects in Group A, B and C, which use non-State budget funding and other funding sources, the investors shall simultaneously send the fundamental design of the projects to specialized construction agencies in accordance to the construction law for appraising fundamental designs, excluding the technological design, and at same time send to the same-level State management agencies of branches and fields for commenting on the technological design.

In case a specialized construction agency concurrently the State management agency of a branch or industry, the specialized construction agency shall appraise the fundamental design of the project, including the technological design.

d) The duration of technological comment shall be 20 days for projects in Group A, 15 days for projects in Group B and 10 days for projects in Group C as of receiving sufficient project dossiers; in case an extension is needed for the duration of technological comment, the extended period should not exceed the equivalent duration stipulated in this point. The competent agency shall be responsible for informing the extension in written documents with clear reasons to specialized construction agencies or investors.

In case a specialized construction agency concurrently the State management agency of a branch or industry, the duration of appraising the technological design shall be included in the duration of appraising the fundamental design in accordance with the construction law.

2. The procedure of technological appraisal for investment projects mentioned in Point b Clause 3 Article 13 of this Law shall be performed in accordance with the construction law.

3. The procedure of technological appraisal for investment projects mentioned in Point c Clause 3 Article 13 of this Law shall be performed in accordance with the law on public investment.

Article 19. Contents of technological appraisal or comment for investment projects

1. Contents of technological appraisal or comment in the stage of making investment policy decisions shall be stipulated as follows:

a) The rationality of the selected technology plan;

b) The verification of technologies used in developed countries (if any);

c) Training programs or technical assistance to operate technology lines of investment projects (if any);

d) Requirements on conditions for technology use;

ỳ) Preliminary environmental impact assessment;

e) Draft technology transfer contract (if any);

g) For investment projects in high-tech parks, contents of technological appraisal or comment shall be stipulated in this clause and meet criteria and standards in accordance with the law on high technology.

2. Contents of technological appraisal or comment in the stage of making investment decisions shall be stipulated as follows:

a) The consistency of technologies, machinery and equipment with the selected plan in the phase of making investment policy decisions; standards, technical specifications and regulations of relevant laws;

b) Products, standards and quality of the products;

c) The compatibility and capacities of supplying materials and fuels to operate technology lines, machinery and equipment;

d) Training programs and technical assistance to operate technology lines, machinery and equipment;

ỳ) Investment costs of technology, machinery, equipment, training and technical assistance.

Article 20. Processes of technological appraisal or comments for investment projects

1. Agencies which have the competent to appraise or comment technologically on investment projects shall perform technological appraisal or comment on investment projects; in case the professional consultation is needed, it shall be performed in the following forms:

a) Science and technology advisory councils;

b) Opinions collected from organizations and independent consultants.

2. The advisory council shall be established by the agency which performs technological appraisal or comment. The council shall work on a democratic, objective, honest manner in compliance with laws and professional ethics. The council shall be responsible for its conclusion and proposals to the establishing agency. The conclusions and proposals made by the council must be written documents.

3. Members of the consulting advisory council shall be responsible before the law for their opinions and keep confidentially information relating to investment projects. The opinions of the members must be written documents.

4. Funding for collecting technological opinions on investment projects shall be arranged as follows:

a) In the stage of making investment policy decisions, the funding shall be allocated from the State budget; shall be

b) In the stage of making investment decisions, the funding covered by the LQYHVWRU DQG LQFOXGHG LQ WKH SURMHFW¶V WRW

Article 21. Technological inspection and monitoring in investment projects and technology transfer

1. The technology use and transfer in investment projects as stipulated in Article 13 of this Law shall be properly inspected and monitored during the course of implementation.

2. State management agencies in charge investment shall be responsible for chairing and coordinating with specialized State management agencies to inspect and monitor the technological aspect as well as the investment aspect of investment projects as stipulated by laws.

3. State management agencies in charge of science and technology shall be responsible for chairing and coordinating with relevant authorities to inspect the technology transfer in the following cases:

a) According to plans;

b) Upon signals of violations on technology use and transfer during the course of start and implementation of investment projects and technology transfer.

Chapter III

TECHNOLOGY TRANSFER CONTRACTS

Article 22. Principles of awarding and executing technology transfer contracts

1. Awarding technology transfer contracts shall be carried out based on a written contract or in other equivalent forms which are considered as written transactions in accordance to the Civil Code. The contract document shall be signed and sealed (if any) by the parties; all pages of the contract document and its appendixes shall be initialed and sealed (if any).

2. The language in technology transfer contracts shall be agreed upon by the parties.

3. The technology transfer contracts shall be awarded and executed in accordance with this Law, the Civil Code, the Law on Commerce, the Law on Intellectual Property, the Competition Law and other relevant laws.

Article 23. Contents of technology transfer contracts

1. The name of technology to be transferred.

2. Technology objects to be transferred, products created by the transferred technology, standards and technical specifications of the products.

3. Transfer of the right to own or to use the technology.

4. Method of technology transfer.

5. Rights and obligations of the parties.

6. Price and mode of payment.

7. Effective time and validity duration of the contract.

8. Definitions and terms referred to in the contract (if any).

9. Technology transfer plan and schedule, and location where the technology transfer is carried out.

10. Responsibilities to warranty the transferred technology.

11. Penalties due to contract violations.

12. Liabilities for contract violations.

13. Dispute settlement agency.

14. Other contents agreed upon by the parties.

Article 24. Execution duration and effective date of technology transfer contracts

1. The execution duration of a technology transfer contract shall be agreed upon by the parties.

2. The effective date of a technology transfer contract shall be agreed upon by the parties. In case the parties fail to agree on the effective date, it shall be the time of awarding the technology transfer contract, except for cases stipulated in Clause 3 of this Article.

3. A contract on the transfer of a technology on the List of technologies restricted from transfer shall become effective as of the time at which the Technology Transfer License is granted.

Technology transfer contracts registered as stipulated in Clause 1 and Clause 2 Article 31 of this Law shall become effective as of the date issuing the Registration Certificate of technology transfer. In cases of extension, amendment and supplementation, the extended, amended and supplemented contracts shall become effective as of the date the competent State agency issues the Registration Certificate of technology transfer.

Article 25. Rights and obligations of the technology transferor

1. The technology transferor has the following rights:

a) To request the technology transferee to strictly fulfil the commitments in the contract;

b) To get full payments and enjoy other rights and interests as agreed in the contract;

c) To hire organizations or individuals to provide technology transfer services as stipulated by laws;

d) To request a competent State agency to protect the lawful rights and interests relating to the transferred technology;

ỳ) To request the technology transferee to take remedial measures or pay damages in case the technology transferee fails to fulfill its obligations stipulated in the contract, unless the parties agree otherwise;

e) To have other rights as stipulated by laws.

2. The technology transferor has the following obligations:

a) To ensure that the technology transfer right is lawful is legal and not restricted by the right of the third party, unless otherwise agreed upon by the parties;

b) To strictly fulfill the commitments in the contract; pay damages to a technology transferee or a third party for the transferor ¶ V E U H D F K R I D J U H H P H Q W

c) To keep confidential information relating to technology and other information in the course of negotiating, awarding and executing the technology transfer contract as agreed;

d) To notify the technology transferee and take appropriate remedial measures when detecting any technical problems which may make technology transfer results unsatisfactory as prescribed in the contract;

ÿ) To apply for a transfer technology license in case of transfer from Vietnam to abroad technologies on the list of those restricted for transfer, unless otherwise agreed upon by the parties;

e) To fulfill financial obligations and other obligations as stipulated by laws.

Article 26. Rights and obligations of the technology transferee

1. The technology transferee has the following rights:

a) To request the technology transferor to strictly fulfill the commitments in the contract;

b) To request a competent State agency to protect the lawful rights and interests relating to the transferred technology;

c) To hire organizations or individuals to provide technology transfer services as stipulated by laws;

d) To request the technology transferor to take remedial measures or pay damages in case the technology transferor fails to fulfill its obligations stipulated in the contract, unless the parties agree otherwise;

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2. The technology transferee has the following obligations:

a) To strictly fulfill the commitments in the contract; pay damages to a technology WUDQVIHURU RU D WKLUG SDUW\ ehf RU WKH WUDQVIH

b) To keep confidential information relating to technology and other information in the course of negotiating, awarding and executing the technology transfer contract as agreed;

c) To apply for a transfer technology license in case of transfer from abroad to Vietnam technologies on the list of those restricted for transfer, unless otherwise agreed upon by the parties;

d) To fulfill financial obligations and other obligations as stipulated by laws.

Article 27. Price and modes of payment for technology transfer

1. The price in technology transfer contracts shall be agreed by the parties.

2. The payment shall be made by adopting one of the following methods:

a) One-off payment or payments in instalments in money or by goods;

b) Transfer of the technology value as capital contribution to the investment project or enterprise under prevailing regulations;

c) Payment by percentage (%) of the net selling price;

d) Payment by percentage (%) of the net revenue;

ÿ) Payment by percentage (%) of the earnings before income taxes of the transferee;

e) Other methods as agreed upon by the parties.

3. The price of the transferred technology shall be audited and complied with prevailing Laws on taxations and prices in the following cases:

a) Technology is transferred between or among the parties in which at least a party has State Owned Capital;

b) Technology is transferred between or among the parties having parent - subsidiary company relationship;

c) Technology is transferred between or among the parties having affiliate relationship as prescribed by the laws on taxations.

4. The Government shall promulgate in details in this Article.

Article 28. Transfer of technologies restricted from transfer

1. Organizations or individuals which transfer technologies restricted from transfer as specified in Article 10 of this Law must follow procedures to apply for the Technology Transfer License.

2. The grant of the Technology Transfer License shall be carried out with the following procedures:

a) Approving the technology transfer.

For transferring the technology in investment projects which have been technologically appraised or comments in the stage of making investment policy

decisions or investment decisions shall be exempted from approval for technology transfer;

b) Granting the Technology Transfer License.

3. For transferring technologies from abroad to Vietnam or domestically, technology transferees and for transferring technologies from Vietnam to abroad, technology transferors shall annually report on the execution of technology transfer contracts according to regulations by the Ministry of Science and Technology.

Article 29. Applications, process and procedures for approval of technology transfer

1. An application for approval of technology transfer consists of:

a) The application form to request the approval of technology transfer;

b) The legal status of the applicant;

c) The written explanation on the technology to be transferred;

d) The written explanation on conditions of using the transferred technology as stipulated by laws;

ỳ) The written explanation on the conformity of the technology in accordance with laws on standards and technical specifications.

2. Organizations or individuals which want to transfer technologies restricted from transfer shall send an application for approval of technology transfer to Ministry of Science and Technology.

3. Within 03 working days from receiving the application, Ministry of Science and Technology shall review the application; in case the application is inadequate, the written document is sent to request the organization or individual to supplement the application as stipulated by laws.

4. Within 30 days from receiving the adequate application, the Ministry of Science and Technology shall chair and coordinate with relevant Ministries and branches to prepare the written approval for technology transfer. In case the application is refused, a written response clearly stating reasons for the refusal shall be sent to the applicant.

5. The Minister of Science and Technology is responsible for promulgating templates to apply for approval of technology transfer and explanations on technology.

Article 30. Applications, process and procedures for granting Technology Transfer Licenses

1. An application for a Technology Transfer License consists of:

a) The application form to request the grant of Technology Transfer License, which clearly specifies the partie V ¶ U H V S R Q V L E L O L W L H V Contents of the technology transfer contract compliant with relevant laws;

b) The legal status of the parties entering into the technology transfer contract;

c) The original in Vietnamese or certified copy of the technology transfer contract. In case of no contract in Vietnamese is available, the notarized Vietnamese-translated contract shall be submitted;

d) The list of documents relating to the technology, machinery, equipment (if any) enclosed with the technology transfer contract;

ÿ) The notarized copy of IP Rights Certificate for objects subject to IP Rights protection (if any);

e) Standards and quality of products and services created by using the transferred technology;

g) The written explanation on conditions for using the technology;

h) The document on price valuation of the transferred technology in case the technology transferee uses State budget.

2. Upon receiving the approval of technology transfer from the Ministry of Science and Technology, the parties shall award and sing the technology transfer contract.

3. Within 60 days from signing the technology transfer contract, the party obliged to apply for a Technology Transfer License shall submit an application for a Technology Transfer License to the Ministry of Science and Technology.

4. Within 05 working days from receiving of the application, the Ministry of Science and Technology shall be responsible for reviewing the application; in case the application is inadequate, the written document is sent to request the organization or individual to supplement the application as stipulated by laws.

Within 60 days from sending the written request to amend, supplement, the parties shall amend or supplement as request to send a written document to propose the extension of the deadline for amending or supplement. The extension duration shall not exceed 60 days, after this period, if the parties fail to amend or supplement the required documents, the Ministry of Science and Technology shall send a written notification of refusing to grant the Technology Transfer License and return the application if requested.

5. Within 15 working days from receiving the adequate application, the Ministry of Science and Technology shall be responsible for appraising the application and grant a Technology Transfer License. In case the application is refused, a written response clearly stating reasons for the refusal shall be sent to the applicant.

6. In case the contents of a Technology Transfer License needs to be changed, it is compulsory to apply for a new license.

7. The Minister of Science and Technology is responsible for promulgating a template to apply for a Technology Transfer License and a template of Technology Transfer License.

Article 31. Registration of technology transfer

1. Technology transfer contracts and parts of technology transfer which are defined in Clause 2 Article 5 of this Law and belong to one of the following cases shall be registered with State management agencies in charge of science and technology, excluding technologies restricted from transfer which have been granted the Technology Transfer License:

a) Transfer of technology from abroad to Vietnam;

b) Transfer of technology from Vietnam to abroad;

c) Domestic technology transfer using the State-owned capital or State budget, excluding cases where Registration Certificate of Outcomes Implementing Tasks on Science and Technology Tasks has been already granted.

2. The State encourages organizations and individuals to register technology transfer for cases which are not subjected to register as defined in Clause 1 of this Article.

3. An application for technology transfer registration consists of:

a) The application form for a technology transfer registration, which clearly VSHFLILHV WKH SDUWLHV¶ UHVSRQVLELOLWLHV IRU HQVXULQJ WKH FRQWHQWV RI WHFKQRORJ\ WUDQVIHU Declares to ensure the contents of technology transfer contracts compliant with relevant laws;

b) The original or the certified copy of technology transfer contracts shall represent contents prescribed in Article 23 of this Law, in case of unavailability of the contract in Vietnamese language, the notarized or certified translation of the contract into Vietnamese language shall be submitted.

4. Within 90 days as of signing of technology transfer contracts, the party obliged to technology transfer registration shall submit an application for Registration Certificate of technology transfer to the State management agencies in charge of science and technology.

5. Within 05 working days from receiving the adequate application, the science and technology State management agency shall review and issue the Registration Certificate of technology transfer to the applicant. In case the application is refused, a written response clearly stating reasons for the refusal shall be sent to the applicant.

6. State management agencies in charge of science and technology shall refuse applications for Registration Certificate of technology transfer in the following cases:

a) A technology transfer contract on which the transferred of technology on the list of those restricted from transfer;

b) A technology transfer contract does not specify transferable technology or technology transfer contents;

c) The content of the technology transfer contract is against regulations of this Law.

7. The Government shall promulgate in details this Article.

Article 32. Validity of Technology Transfer Licenses and Registration Certificate of technology transfer

1. Technology Transfer License/ Registration Certificate of technology transfer shall become effective as of the date of issue.

2. Agencies issuing Technology Transfer Licenses and Registration Certificates of technology transfer shall have the authorities to cancel the Technology Transfer Licenses and Registration Certificates of technology transfer in the following cases:

a) Violations of the content the Technology Transfer License or Registration Certificate of technology transfer;

b) Using fake applications for the Technology Transfer License or Registration Certificate of technology transfer;

c) At the request of a competent State agency in case of violations against relevant laws.

3. If an organization or individual has been issued the Registration Certificate of technology transfer and enjoyed preferences or incentives as stipulated by laws, the Certificate is cancelled, the organization or individual must return the received preferences or incentives to the Government in accordance with the Government's regulations.

Article 33. Extension, amendment and supplementation of the content of technology transfer

1. If the parties reach an agreement on extension, amendment and supplementation of contents of the technology transfer of which Registration Certificate has been issued, the parties must submit an application prescribed in Clause 2 of this Article to the agency issuing the Registration Certificate of technology transfer to be issued with Registration Certificate of extended, amended or supplemented content of technology transfer.

2. An application for extension, amendment and supplementation of the content of technology transfer consists of:

a) The application form for extension, amendment and supplementation of the content of technology transfer;

b) The original in Vietnamese language or the certified copy of the written agreement on extension, amendment and supplementation or the certified translation into Vietnamese language shall be submitted.

3. Procedures for extension, amendment and supplementation of the content of technology transfer shall be carried out as stipulated in Clauses 4, 5 and 6 Article 31 of this Law.

4. The Minister of Science and Technology is responsible for promulgating a template to apply for extension, amendment and supplementation of the content of technology transfer and the template of Registration Certificate of extended, amended or supplemented the content of technology transfer

Article 34. Obligations to keep secret in issuing Technology Transfer License or Registration Certificate of technology transfer

Agencies and individuals who are authorized to issue Technology Transfer Licenses or Registration Certificates of technology transfer shall be responsible for keeping secrets of the related information.

Chapter IV

MEASURES TO PROMOTE TECHNOLOGY TRANSFER AND SCIENCE AND TECHNOLOGY MARKET DEVELOPMENT

Section 1

PROMOTION OF TECHNOLOGY USE AND RENOVATION

Article 35. Promotion and encouragement for enterprises to use and renovate technologies

1. The Government shall support enterprises which have projects in regions or sectors eligible for investment incentives to carry out technology transfer activities with science and technology organizations.

2. Enterprises are entitled to use their science and technology development funds to make investment, contribute matching funds, receive matching funds to invest in technology renovation, technology incubation, science and technology business incubation, innovation startups, commercialization of their scientific research and technological development results and other expenditures in accordance to the law on science and technology.

3. The right to own or the right to use and other rights which arise from scientific research and technological development results or intellectual property objects which can be valued shall be considered as property rights.

The National Foundation for Science and Technology Development, the National Technology Innovation Fund or credit institutions are entitled to receive the property rights defined in this Clause to guarantee for investment loans of science and technology projects, innovation startups, or development of scientific research and technological development results.

4. The Government encourages cooperation forms between enterprises and agencies, organizations or individuals to develop technology renovation projects, innovation startups and infrastructure facilities to serve for common science and technology development and general research activities.

5. Enterprises investing in material ± technical facilities for decrypting technologies, organizations or individuals which carry out decrypting technologies are entitled to the following incentives:

a) Capital assistance, capital warranty, preferential interest rates from the National Technology Innovation Fund or credit institutions;

b) Other supports or incentives in accordance with this Law and relevant laws.

6. Socio-political organizations, civil social organizations and socio-professional organizations, shall create favorable conditions for organizations, individuals and enterprises to performing technology transfer activities within their assigned functions and duties.

7. The Government shall promulgate in details this Article.

Article 36. Promotion of commercializing scientific research and technological development results

1. Scientific research and technological development results considered as public property shall be managed and used in accordance with the law on management and use of public property.

2. The transfer of ownership of scientific research and technological development results funded by the State budget shall be carried out as follows:

a) If the Government support the budget for performing scientific research and technology development tasks for an organization which invests in material - technical facilities and finance and concurrently acts as the organization to chair the performance of such scientific research and technology development tasks, the Government shall transfer the ownership of results of such scientific research and technology development tasks to this organization.

b) If the Government support the budget for performing scientific research and technology development tasks on the basis of cooperation between an organization which invests in material - technical facilities and finance and an organization to chair the performance of such scientific research and technology development tasks, the Government shall transfer the ownership of results of such scientific research and technology development tasks according the agreement between the parties.

3. The division of profits earned from the commercialization of scientific research and technological development results funded by the State budget must ensure interests of owners, authors, chairing organizations, intermediary organizations, organizations and individuals involved in such commercialization activities in accordance with relevant laws.

4. Organizations or individuals which themselves invest in scientific research and technological development, after the achieved results are effectively transferred and used in practice and recognized by State management agencies in charge of science and technology, shall be supported with the State budget; in case the results play important roles for the socio-economic development as well as the national defense and security, the State shall consider to purchase such results.

State management agencies in charge of science and technology shall be responsible to collect, appraise, select, recognize and disseminate scientific research and technological development results to serve for innovation demands of organizations and individuals in branches, industries and fields according to the delegation of authority.

5. Science and technology organizations which owns scientific research and technological development results and collaborate with local organizations using and transferring technologies shall be supported with the State budget allocated for science and technology to improve these scientific research and technological development results appropriate with local conditions.

6. Individuals working at research institutions or tertiary education institutions and do researches on technology transfer, use and innovation at production and/or business units shall supported with the State budget allocated for science and technology and other lawful funding sources.

7. The management and use of facilities and equipment served for the performance of science and technology tasks shall be handled in accordance with the law on management of public property.

8. The Government shall create favorable conditions for establishing industrial property rights, reorganization, circulation registration of new products or new technologies for organizations or individuals carrying out commercialization of scientific research and technological development results or technology transfer activities.

9. The Government shall promulgate in details this Article.

Article 37. The National Program on Technology Renovation

1. The National Program on Technology Renovation is aimed at the following objectives:

a) Improving the national technological capacities and technology transfer efficiency;

b) Serving for the development of national key and important products;

c) Creating favorable conditions for small-and-medium sized enterprises to use technologies and commercialize scientific research and technological development results and technology renovation;

d) Strengthening technological resources in rural regions, mountainous regions, and regions faced with difficult or extremely difficult socio-economic conditions.

2. Based on the national socio-economic development tasks in each period, Ministry of Science and Technology shall take charge of and cooperate with relevant ministries, ministerial-level agencies and the Government's affiliates to formulate and submit the National technology innovation program to the Prime Minister for approval.

Article 38. The National Fund for Technology Renovation

1. The National Fund for Technology Renovation is established to aim at the following objectives:

a) Supporting enterprises to transfer, renovate or improve technologies on the List of those encouraged for transfer as defined in Article 9 of this Law;

b) Promoting the transfer of technologies serve ford for agricultural development in rural regions, mountainous regions and regions faced with difficult or extremely difficult socio-economic conditions;

c) Supporting technology incubation, science and technology business incubation and decrypting activities;

d) Supporting training for science and technology human resources to serve for the transfer, innovation and improvement of technologies.

2. The National Technology Innovation Fund shall support in the following forms:

a) Providing preferential loans;

b) Supporting loan interest rates;

c) Granting guarantees for loans;

d) Supporting capitals.

3. The National Technology Innovation Fund shall be established from the following sources of funding:

a) Voluntary contributions by domestic and foreign entities and individuals;

b) Loan interests;

c) Supports from the State budget;

d) Other lawful funding sources.

4. The Prime Minister shall make decisions on establishment, management and use of the National Technology Innovation Fund.

Article 39. Tax policies to promote technology transfer, use and renovation

The following entities shall be eligible for tax incentives in accordance with the law on taxation:

1. Machinery, equipment, accessories, materials, specimens or technologies which are not yet created domestically and are imported to directly use for research and development, decrypting, technology innovation and technology transfer; scientific documents, books and journals used for innovation startups and science and technology business development;

2. Technology incubators, science and technology business incubators, organizations or individuals investing in and supporting innovation startups; intermediary organizations of the science and technology market which have incomes from technology transfer services;

3. Organizations and individuals carrying out technology transfer from Vietnam to abroad; organizations and individuals carrying out scientific research and technology development, technology decrypting and technology transfer at enterprises;

4. Organizations or individuals transferring technologies on the List of those encouraged for transfer.

Article 40. Development of technologies creating and improving national key and important products

1. Prioritizing the transfer of technologies to create national key and important products from domestic scientific research and technological development.

2. Encouraging the development of technologies to create and improve national key and important products which are highly competitive in both domestic and foreign markets.

3. The State shall issue policies and take measures to promote the improvement of designs and manufacturing of machinery and equipment made in Vietnam which can create adequate competitiveness in the markets.

4. Enterprises and organizations which transfer, use and improve technologies to create national key and important products shall be entitled to enjoy preferential incentives as stipulated by this Law.

5. The Government shall promulgate in details this Article.

Section 2

SCIENCE AND TECHNOLOGY MARKET DEVELOPMENT

Article 41. Strategies for science and technology market development

1. The State shall issue policies and take measures to support or make investments from the State budget for science and technology and mobilize other lawful funding sources to develop the science and technology market through activities of developing technological supply and demand, and intermediary organizations of the science and technology market as prescribed Article 42 and Article 43 of this Law.

2. Based on the socio-economic development tasks in each stage, the Ministry of Science and Technology shall chair and coordinate with relevant ministries and ministerial-level agencies to formulate and submit the program on the national technology and science market development to the Prime Minister for approval.

Article 42. Developing sources of supply and demand in the science and technology market

Developing sources of supply and demand in the science and technology market shall be carried out through the following activities:

1. Importing, decrypting or mastering high technologies, advanced technologies and clean technologies to serve for the implementation of strategic objectives, planning and socio-economic development plans of the nation, branches, regions and localities;

2. Purchasing and doing researches on improving patents and initiatives which have been effectively used at a small scale to transfer to enterprises for their use and dissemination to the public;

3. Promoting the exploitation and use of scientific research and technological development results and technological ideas of science and technology businesses, high-technology enterprises, individuals or individual groups participating in innovation startups, organizations supporting innovation, innovation startups, technology incubators, science and technology business incubators, and high-tech business incubators;

4. Appraising and evaluating new technologies and new products newly created in Vietnam from scientific research and technological development results with price and quality equivalent to those of imported ones in order to encourage the use of these technologies and products in investment projects funded by the State budget or priorities given them in the course of procurement and provision of public products and services;

5. Training, fostering and improving capacities of absorbing and mastering technologies of enterprises; commercializing scientific research and technological development results; collaborating, cooperating or exchanging science and technology human resources between research institutes or training institutions and manufacturing and business entities;

6. Collecting and providing technology-related information to enterprises, and associated organizations of businesses, professional associated organizations, cooperatives, organizations providing intellectual property, investment promotion or trade promotion services;

7. The Government shall promulgate in details in this Article.

Article 43. Development of intermediary organizations of the science and technology market

1. Intermediary organizations of the science and technology market are those which provide brokerage, consultancy and promotion services for technology transfer, appraisal, valuation and technology appraisal and connecting and supporting services for suppliers, demanders and other parties in technology-related transactions.

2. The Government shall take the following measures to develop intermediary organizations of the science and technology market:

a) Building the technical infrastructure and supporting the operation of national technology transaction exchange place and supporting center for technology business startups for the period of first 05-year operation;

b) Supporting training for human resources of intermediary organizations;

c) Supporting and improving capacities on exploiting the information on technologies, intellectual property, domestic and foreign scientific research and technological development results for organizations and individuals who provide brokerage, consultancy and promotion services for technology transfer, appraisal, valuation and technology appraisal.

3. Encouraging organizations and individuals who provide brokerage, consultancy and promotion services for technology transfer for research institutes or training institutions; and establishing a network linking activities of domestic and foreign consultancy and transfer technology.

4. The Government shall promulgate in details in this Article.

Article 44. Publicization, performance and introduction of technologies

1. Technology markets, trade fairs and exhibitions, connecting points of technology supply and demand, technology transaction exchange places or technology transaction centers are the places for displaying, introducing, buying or sell technologies and promoting the technology transfer.

2. In the course of publicization, performance and introduction of technologies announcement, State management agencies in charge of science and technology shall have the following responsibilities:

a) Annually publicizing the list of technologies created with the State budget on the electronic information portals of the agencies, unless otherwise stipulated by laws;

b) Encouraging and supporting enterprises, organizations and individuals to publicize technologies newly created by them.

3. The Government shall take measures to support enterprises, organizations or individuals with newly created domestic technologies with their publicization, performance and introduction of the technologies in both domestic and foreign technology markets and/or trade fairs.

Section 3

TECHNOLOGY TRANSFER SERVICES

Article 45. Types of technology transfer services

1. Technology transfer brokerage.

2. Technology transfer consultancy.

3. Technology appraisal.

4. Technology valuation.

5. Technology assessment.

6. Technology transfer promotion.

Article 46. Rights of organizations and individuals doing business in technology transfer services

1. Organizations and individuals doing business in technology transfer services shall have the following rights:

a) To request service users to provide necessary information and documents necessary for the provision of technology transfer services;

b) To enjoy income from doing business in technology transfer services and other benefits from the provision of technology transfer services as agreed;

c) To employ collaborators and experts served for the provision of technology transfer services;

d) To be entitled to use technology database as stipulated by laws;

ÿ) To request service users to pay compensation for damage caused the service X V H U ¶ ;V I D X O W V

e) To enter in cooperation or joint-venture with other organizations or individuals to carry out technology transfer services;

g) To participate in domestic and international professional associations as stipulated by laws;

h) To exercise other rights in accordance with this Law and relevant laws.

2. Organizations and individuals who carry out brokerage, consultancy and promotion services for technology transfer shall have the rights as defined in Clause 1 of this Article and be entitled to enjoy benefits from the use and transfer of the right to use, transfer or capital contribution by scientific research and technological development results funded by the State budget.

Article 47. Rights of organizations and individuals doing business in technology transfer services

1. Organizations and individuals doing business in technology transfer services shall have the following obligations:

a) To execute technology transfer service contracts as agreed;

b) To take responsibility for the provision of technology transfer services;

c) To pay compensations for damage caused to service users by their faults;

d) To maintain and return the assigned documents and facilities to service users upon the completion of service provision as agreed;

ÿ) To timely inform service users of inadequate information and documents which causes the failure of service provision;

e) To keep secrets of information as agreed in technology transfer service contracts;

g) To fulfill financial obligations and other obligations as stipulated by laws.

2. Organizations performing technology appraisal, valuation or assessment activities, in addition to the obligations defined in Clause 1 of this Article, shall have the following obligations:

a) To register for meeting reequipments applied for technology appraisal, valuation and assessment activities as stipulated by laws;

b) To send annual reports on performance of technology appraisal, valuation and assessment activities to State management agencies in charge of science and technology.

Article 48. Organizations performing technology appraisal, valuation or assessment activities

1. Organizations performing technology appraisal, valuation or assessment activities are science and technology organizations or enterprises which performing technology appraisal, valuation and assessment services.

2. Organizations performing technology appraisal, valuation or assessment activities must meet requirements in accordance with the pricing law and specific requirements for personnel and material ±technical facilities.

3. The Government shall stipulate the power, procedures and requirements for issuing the Certificate of eligibility to provide technology appraisal and assessment services; specific requirements for personnel and material ± technical facilities, applied for organizations performing technology valuation activities.

Section 4

TECHNOLOGY TRANSFER IN RURAL, MOUNTAINOUS AREAS, ISLANDS AND SOCIO-ECONOMIC DIFFICULT-STRICKEN OR EXTREMELY SOCIO-ECONOMIC DIFFICULT-STRICKEN AREAS

Article 49. Technologies encouraged to transfer in rural, mountainous regions, islands and socio-economic difficult-stricken or extremely difficult socio-economic difficult-stricken areas

Technologies prescribed in Article 9 of this Law and the following technologies shall be encouraged to transfer in rural, mountainous regions, islands and socio-economic difficult-stricken or extremely difficult socio-economic difficult-stricken areas:

1. Technologies in the field of protection and development of gene sources; revitalization, hybridization or raising the economic value of plant varieties or animal breeds.

2. Technologies for planting, culturing, preserving or processing agricultural, forest or salt products, herbal plants, fungi, microorganisms for agriculture and aquaculture;

3. Technologies for prevention and control of pests and diseases of plant varieties, animal breeds and herbal plants;

4. Technologies for producing, exploiting and using clean water sources; technologies for water treatment in aquaculture industry;

5. Technologies for raising the productivity, quality and efficiency of traditional products of craft villages.

Article 50. Responsibility of organizations and individuals on technology transfer activities in rural, mountainous regions, islands and socio-economic difficult-stricken or extremely difficult socio-economic difficult-stricken areas

1. Programs and projects on introducing plant varieties, domestic animal breeds or technologies for planting, cultivating, preserving and processing agricultural, forest, aquatic and salt products must have technology transfer contents.

2. Organizations and individuals who introduce and transfer technologies for planting, cultivating, preserving and processing agricultural, forest, aquatic and salt products must report to State management agencies in charge of science and technology in localities where they carry out technology transfer.

3. Organizations or individuals who provide plant varieties and animal breeds and transfer technologies for planting, cultivating, preserving and processing agricultural, forest, aquatic and salt products shall be responsible for providing guidance on planting, cultivating, preserving and processing technologies for users and pay compensations for damage caused by their provision of plant varieties and animal breeds and technology transfer.

4. Other responsibilities are stipulated by laws.

Article 51. Responsibilities of State management agencies in technology transfer activities in rural, mountainous regions, islands and socio-economic difficult-stricken or extremely difficult socio-economic difficult-stricken areas

1. Local State management agencies in charge of science and technology shall be responsible for guiding and creating favorable conditions for the introduction and transfer of plant varieties and animal breeds or technologies for planting, cultivating, preserving and processing agricultural, forest, aquatic and salt products; promote technology transfer activities in localities; inspect, detect and timely ban the introduction or provision of plant varieties and animal breeds or technologies causing damage to users.

2. Annually, the Ministry of Science and Technology shall chair and coordinate with relevant ministries, ministerial-level agencies and government-attached agencies to review technology transfer activities in rural, mountainous regions, islands and socio-economic difficult-stricken or extremely difficult socio-economic difficult-stricken areas.

Article 52. Technology transfer in agriculture

1. The transfer of technical advancements in varieties, products, manufacturing processes, technical solutions and management solutions in agriculture field of shall be encouraged.

2. Technology transfer in agricultural shall be performed in forms defined in this Law or in other specialized forms including programs and plans on agricultural extension and other technology transfer programs and plans approval by competent State agencies.

3. Technology transfer in agricultural shall be performed with methods defined in this Law or with other specialized methods including training, educating, fostering, performance models and communication activities.

4. The Government shall promulgate in details specialized forms and methods of in Clause 2 and Clause 3 of this Article; technology transferors and technology transferees who carry out the transfer according to the specialized forms and methods of agricultural technology transfer stipulated in Clause 2 and Clause 3 of this Article; policies on technology transfer in agriculture.

5. The Minister of Agriculture and Rural Development shall promulgate the List of technical advancements in varieties, products, production processes, technical solutions and management solutions encouraged for transfer in agriculture field; and criteria, processes and procedures for recognizing technical advancements.

Chapter V

STATE MANAGEMENT ON TECHNOLOGY TRANSFER

Article 53. Responsibility of the Government

1. To perform consistent State management on technology transfer activities.

2. To direct, promulgate and organize the implementation of regulatory and legal documents, strategies, plans, mechanisms, policies and measures to promote technology transfer and renovation activities suitable to each period of the national socio-economic development.

3. To assign and decentralize the performance of State management functions for technology transfer activities.

4. To promulgate the List of technologies encouraged for transfer, the List of technologies restricted from transfer and the List of technologies banned from transfer.

Article 54. Responsibility of the Ministry of Science and Technology

1. To act as the focal point which assists the Government to perform consistent State management on technology transfer activities.

2. To chair the formulation of programs, projects and policies on importing technologies, developing the science and technology market, promoting technology transfer, use and renovation activities to submit to the Prime Minister for decision-making.

3. To establish the List of technologies encouraged for transfer, the List of technologies restricted from transfer and the List of technologies banned from transfer to submit to the Government for promulgation.

4. To grant and revoke Technology Transfer Licenses for technologies on the List of those restricted from transfer.

5. To appraise, comment, inspect and monitor technologies used in investment projects under the assigned authority.

6. To provide guidance on evaluation of technological level and capacities in sectors and fields according to requirements for the socio-economic development and international economic integration in each period.

7. To organize the appraisal, selection and publicization of technologies created from scientific research and technological development results.

8. To organize training and improve professional capacities and skills in activities of technology transfer, commercialization of scientific research and technological development results and technology use and renovation.

9. To conduct statistical work on technology transfer, use and renovation as stipulated by laws, and establish technology database.

10. To conduct inspection and examination, settle complaints and denunciations and handle violations of the law on technology transfer.

11. To carry out international cooperation on technology transfer under the assigned authorities.

12. To organize advocacy, dissemination and education on the law on technology transfer.

13. To prepare reports on technology transfer activities and regular reports on nationwide technology renovation activities every 05 years to submit to the Government.

14. To perform other tasks as stipulated by laws.

Article 55. Responsibility of ministries and ministerial-level agencies

1. Ministries and ministerial-level agencies in their management fields with the assigned authorities shall be responsible for coordinating with the Ministry of Science and Technology in performing State management of technology transfer activities as follows:

a) To propose technologies to establish the List of technologies encouraged for transfer, the List of technologies restricted from transfer and the List of technologies banned from transfer;

b) To formulate plans, schemes, programs, measures, mechanisms and policies on promoting technology transfer, use and renovation activities;

c) To inspect and monitor technologies and quality of products, goods and services created from the technology transfer, use and renovation.

2. To organize the appraisal, selection and publicization of technologies created from scientific research and technological development results, and create favorable conditions for enterprises to receive the technology transfer in their management fields with the assigned authorities.

3. To create favorable conditions for technology transfer activities, especially technologies encouraged for transfer and technology transfer activities performed in locations where technology transfer is encouraged.

4. To organize the appraisal, comment, inspection and monitoring of technologies used in investment projects and technology transfer as stipulated by laws.

5. To carry out international cooperation on technology transfer under their assigned authorities.

6. To conduct statistical work on technology transfer, use and renovation to send to the Ministry of Science and Technology.

Article 56. Responsibility of provincial-level People's Committees

Each provincial-level People's Committee which performs State management on technology transfer activities within their assigned functions and powers, shall take the following responsibilities:

1. To promulgate within its assigned authority or submit to the competent level for promulgation, and organize the implementation of regulatory and legal documents, strategies, policies, schemes, programs and plans on technology transfer, use and renovation in the province.

2. To organize the appraisal and comment on technologies used in investment projects as stipulated by laws.

3. To create favorable conditions for organizations and individuals in technology transfer, use and renovation activities in localities.

4. To timely prevent the transfer of plant varieties and animal breeds which are not yet recognized as technical advancements; agricultural materials which are not allowed to produce, trade, use and circulate as stipulated by laws.

5. To organize the inspection and appraisal of technology transfer activities in localities; establish and manage database, information and statistics on technology transfer, use and renovation activities; submit statistics on technology transfer, use and renovation activities to State management agencies in charge of science and technology.

6. To organize advocacy, dissemination and education on the law on technology transfer.

7. To conduct inspection and examination, settle complaints and denunciations and handle violations of the law on technology transfer with the assigned authorities.

Article 57. Statistics on technology transfer, use and renovation

The statistical work on technology transfer, use and renovation shall be performed in accordance with the law on statistics and the following provisions:

1. Statistics on technology transfer, use and renovation is one of the contents of annual statistical reports of the ministries in charge of science and technology.

Annually, the Ministry of Science and Technology shall chair and coordinate with **Ministries and ministerial-level agencies to prepare statistics on technology transfer, use and renovation nationwide;**

2. The Ministry of Science and Technology coordinate with