**LEGAL UPDATES**

**VOL 29, DECEMBER 2021**

**Dear Valued Clients and Partners,**

ADK Vietnam Lawyers would like to introduce to you the Legal Updates, Vol 29 of December 2021 with new legal provisions with notable contents as follows:

1. **Amendment of regulations on goods origin stated on goods labels**

On December 9, 2021, the Government issued Decree No. 111/2021/ND-CP amending and supplementing a number of articles of Decree No. 43/2017/ND-CP dated April 14, 2017 of the Government regarding product labels. This Decree will officially take effect on February 15, 2022.

Firstly, from February 15, 2022, exported goods will have to comply with regulations on goods labels. Previously, according to Decree No. 43/2017/ND-CP, exported goods were considered to be excluded from the scope of regulation of the Decree, and organizations and individuals exporting goods were not subject to regulation by the Decree. This means that exported goods were not have to carry out labeling as well as comply with the regulations related to goods labels of the Decree. However, according to Clauses 1 and 2, Article 1 of Decree 111/2021/ND-CP, the Government has stipulated that exported goods are no longer goods excluded from the scope of regulation of the Decree, and at the same time organizations and individuals exporting goods are added to the group that must comply with regulations related to goods labels. Accordingly, from February 15, 2022, exported goods must comply with regulations on goods labels under Decree No. 43/2017/ND-CP and Decree No. 111/2021/ND-CP.

Secondly, Decree No. 111/2021/ND-CP provides detailed instructions on how to write the content related to origin on goods labels. Specifically, Clauses 5 and 7, Article 1 of this Decree amending Articles 10 and 15 of Decree No. 43/2017/ND-CP, have clearly stipulated that in case the origin cannot be determined, the place where the final stage of finishing the goods is performed must be written. Expressed by one of the phrases or a combination of phrases expressing the finishing stage of goods as follows: “assembled at”; “bottled at”; “mix at”; “completed at”; “packed at”; “labelled at” with the name of the country or territory where the final stage of finishing the goods is performed.

Thirdly, the Decree specifically stipulates the mandatory contents to be displayed on the labels of imported and exported goods, specifically:

1. For imported goods: must display the contents of the goods name, origin, name or initials of the producing organization/individual or the organization/individual responsible for the goods aboard.
2. For export goods: it is not required to write in Vietnamese and must comply with the regulations of the importing country. However, it is important to ensure:
* The displayed content must not be contrary to the law and must be truthful, accurate, reflect the true nature of the goods, not obscure or distort the mandatory contents on the label; and
* Labels must not show images and content related to sovereignty disputes and other sensitive content that may affect security, politics, economy, society, and diplomatic relations. and customs of Vietnam .
1. **The Government issued the Decree on adjustment of pension, social insurance allowance and monthly allowance**

On December 7, 2021, the Government issued Decree No. 108/2021/ND-CP regulating pensions, social insurance allowances and monthly allowances. Accordingly, from January 1, 2022, there will be an increase of 7.4% on the pension, social insurance allowance and monthly allowance for the subject entitled to pension, social insurance allowance and monthly allowance before January 1, 2022 in the following cases:

1. Cadres, civil servants, workers, officer employees (including those who have time to participate in voluntary social insurance, retirees from Nghe An farmer’s social insurance fund); soldiers, people’s police and person doing cipher work who are entitled to monthly pensions;
2. Cadres of communes, wards and townships;
3. Persons who are receiving monthly allowance for loss of working capacity; person who is receiving the monthly allowance in case the working age is over at the time of discontinuation of the monthly allowance for loss of working capacity, the rubber workers who is enjoying the monthly allowance;
4. Cadres of communes, wards and townships, soldiers, people’s police are entitled to monthly allowance; and
5. Soldiers, people’s police, person doing cipher work who are entitled to the salary similar to soldiers, people’s police who are entitled to monthly allowance.

In addition, for the above-mentioned subjects who have retired before January 1, 1995, after making the increase of 7.4%, if their pension, social insurance allowance, monthly allowance is still less than 2,500,000 VND/month, it will be adjusted as follows:

1. Increase 200,000 VND/person/month for those who have a pension, social insurance allowance, monthly allowance of 2,300,000 VND/person/month or less; or
2. Increase to 2,500,000 VND/person/month for those who have pension, social insurance allowance, monthly allowance from 2,300,000 VND/person/month to less than 2,500,000 VND/person/month.

Decree No. 108/2021/ND-CP will take effect from January 20, 2022.

1. **05 Decrees in the field of intellectual property have been abolished**

On December 9, 2021, the Government issued Decree No. 110/2021/ND-CP abolishing 13 decrees regulating various fields, including 05 decrees in the field of intellectual property, including:

1. Decree No. 63/CP of October 24, 1996 detailing industrial property;
2. Decree No. 06/2001/ND-CP dated February 1, 2001 amending and supplementing a number of articles of Decree 63/CP of October 24, 1996 detailing industrial property;
3. Decree No. 54/2000/ND-CP dated October 3, 2000 on protection of industrial property rights for business secrets and protection of rights against unfair competition related to industrial property;
4. Decree No. 42/2003/ND-CP dated May 2, 2003 on protection of industrial property rights for layout designs of semiconductor integrated circuits; and
5. Decree No. 72/2000/ND-CP dated December 5, 2000 on publication and dissemination of works abroad.

In which:

* Decree No. 63/CP and Decree No. 06/2001/ND-CP have expired and are replaced by Decree No. 103/2006/ND-CP guiding the Intellectual Property Law on industrial property.
* Decree No. 54/2000/ND-CP, Decree No. 42/2003/ND-CP have just been abolished, there is no replacement document. However, the contents related to industrial property rights to business secrets and to the layout design of semiconductor integrated circuits are also previously stipulated in the Intellectual Property Law 2005, amended and supplemented in 2009 and 2019.
* As for the content on publication and dissemination of works abroad under Decree No. 72/2000/ND-CP, there are currently no replacement regulations. The Law on Intellectual Property 2005, amended and supplemented in 2009 and 2019 and guiding documents currently only have some general guidelines on the works publication right.

Decree No. 110/2021/ND-CP will take effect from December 15, 2021.

We hope you found this brief legal update informative.

Kind regards

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