



LEGAL NEWS

Labor - Salary

What are the benefits for employees with seniority?

Many employees decide to stay and work for enterprises for a long time. Employees with seniority shall enjoy a number of the following benefits.

1. Allowed to add more annual leave days

In accordance with Clause 1, Article 113, Labor Code 2019, each employee is entitled to a fully paid annual leave as follows:



| Subjects | Number of annual leave |
|--|------------------------|
| An employee who has been working for the employer for full 12 months: | |
| Employees working in normal conditions. | 12 days/years |
| Juvenile employees, employees being persons with disabilities, or persons doing heavy, hazardous, or dangerous jobs; | 14 days/years |

| | |
|--|---------------|
| Persons doing extremely heavy, hazardous, or dangerous jobs. | 16 days/years |
| <p>An employee who has been working for the employer for full 12 months: Annual leave increased based on working seniority.</p> | |

Employees with long working seniority shall be added more number of annual leave days as prescribed in Clause 114, Labor Code 2019:

For every full 5 years during which the employee has worked for the employer, 1 day shall be added to the number of annual leave days of the employee prescribed in Clause 1, Article 113 of this Code.

Therefore, if the employee has worked for full 5 years for the employer, 1 day shall be added to the total number of annual leave days. The term for employees to add more annual leave days is 05 years, 10 years, 15 years...for an enterprise.

2. Allowed to sign the indefinite-term labor contract

Contract labor shall be agreed upon by employees and employers. Currently, in accordance with Clause 1, Article 20, Labor Code 2019, labor contracts are divided into two types:

- Indefinite-term labor contract: This is a contract in which the two parties do not determine the term and time of termination.
- Definite-term labor contract: This is a contract in which the two parties determine its term and time of termination within 36 months from the date the contract takes effect.

Employees and enterprises have the right to agree on labor contracts term but must ensure compliance with provisions prescribed in Point c, Clause 3, Article 20, Labor Code 2019:

c) In case the two parties sign a new labor contract with a definite term, they may not sign another definite-term labor contract; if the employee continues working after the expiration of this contract, the two parties shall sign an indefinite-term labor contract, except labor contracts entered into by persons hired to work as directors of state capital-invested enterprises and the cases specified in Clause 1, Article 149, Clause 2, Article 151, and Clause 4, Article 177, of this Code.

[More.](#)

Intellectual property

Procedure: The registration of image copyright

In the era of technology development 4.0, creative images and content are easily copied or illegally used for bad purposes. Therefore, the registration of image copyright is extremely necessary to protect the author's rights and benefits.

What is the image copyright? Why should we register image copyright?

Image copyright is the copyright

recognition for the works which are presented in the form of artworks, graphic designs, photographic works...Within that:

Works of applied arts mean works presented by lines, colors, three-dimensional figures or layouts, having useful features associated with useful objects, and being produced by hand or by machines, such as Graphic designs, fashion designs, product designs, interior designs, and decoration (Clause 2, Article 13, Decree No. 22/2018/ND-CP).

Photographic works mean works showing images of the objective world on photosensitive materials or other media on which images are created or can be created by chemical, electronic, or other technical methods (Article 14, Decree No. 22/2018/ND-CP).

Original works are the objectives of enforcement of copyright They are the author's works and have the extent of creativity.

Contents that are not considered original works to get the enforcement of copyrights includes titles, names, slogans, or short phrases.

The copyright of images is very important because individuals and organizations have the ownership of copyrights can have the rights as follows:

Directly use the registered copyrights;

Transfer their own copyrights to others to get profits;

[More.](#)



A - Z procedure: Copyright registration of software

The software industry takes important roles in daily lives, the number of enterprises in software industry increases day by day. Therefore, copyright registration for software is increasingly taken many cares.

1. What is the copyright registration of software?



In accordance with Article 22, Law on Intellectual property 2005, a computer program means a set of instructions that are expressed in form of commands, codes, diagrams, or other forms and, when incorporated in a mean or device operating in a computer programming language, capable of enabling such computers to perform a job or achieve a designated result.

Article 22 also points out clearly that computer programs shall be protected like literary works, irrespective of whether they are expressed in form of source codes or machine codes.

Accordingly, the owner or holders of the software shall submit the dossiers for grant of certificates of registered copyright or certificates to the competent State agencies for the recording of legal copyright information on authors, works, copyright holders, and related right holders.

Therefore, authors and owners of software can avoid the acts of copying and infringing their software for illegal profiteering based on their legal foundation.

It is not compulsory for the copyright registration of software in Vietnam; however, copyright registration is the state agency's recognition of legal evidence of their lawful holding of intellectual property rights by the issuance of certificates. Organizations and individuals that are granted certificates of registered copyright or certificates of registered related rights shall not have to bear the burden of proof of such copyright and related rights upon disputes unless rebutting proofs are adduced.

In conclusion, the copyright registration of software is necessary for authors of holders of software to protect their legal rights and benefits.

2. Who has the right to register the copyright of software?



In accordance with the provisions prescribed in Article 13, Law on Intellectual property, the person who directly creates the software and the holder of the software. Authors and holders of the software include:

- Vietnamese individuals, organizations
- Foreign individuals, organizations

3. Applications for registration of copyright

In accordance with Article 50, Law in Intellectual property 2005, the applications for registration of copyright include documents as follows (Authors, copyright holders, or related right holders may directly file or authorize other organizations or individuals to file applications):

- An application for registration of copyright or related rights comprises.

Note:

- + A written declaration must be made in Vietnamese and signed by the author, copyright holder, related rights holder, or person authorized to file the application, fully stating the information on the applicant, author, copyright holder, or related rights holder;
- + Summarized content of the work, performance, phonogram, video recording, or broadcast;
- + The name of the author, the title of the work used to make derivative work in cases where the to be-registered work is a derivative work;
- + The date, place, and form of publication;
- + The guaranteed responsibility for information stated in the application

The Culture and Information Ministry shall set the form of written declarations for copyright or related right registration;

- Two copies of the work subject to an application for copyright registration, or two copies of the fixed object subject to the related right registration;
- A letter of authorization where the applicant is the authorized person;
- Documents proving the right to file application where the applicant acquires such right due to inheritance, succession from, or assignment;
- Written consent of co-authors, for works under joint authorship;
- Written consent of co-owners if the copyright or related rights are under joint ownership. [More](#).



LEGAL UPDATES

Land - Housing

Hanoi controls the land auction, reviews the risk of the real estate bubble

On August 26, 2022, Hanoi People's Committee issues Official Dispatch No. 2807/UBND-TNMT on strengthening the land management in the City.

Accordingly, Hanoi People's Committee requires the Department of Natural Resources and Environment, and relevant departments to evaluate, and review the risk of the real estate bubble and strengthen the management of the real estate market.

At the same time, strictly manage and control from the phase of setting up the dossier for land auction, appraise and approve the plans on land acquisition and clearance to prepare the land fund for auction.

Especially, concentrate on reviewing, investigating, and evaluating the activities of consultation organizations that are reputable, responsible, and law-abiding in the land auctions.

The information disclosure of the annual auction project and plan must be approved to ensure transparency and create favorable conditions for people who have demands on land...

Medical - Health

8 cases for mandatory face masks for COVID-19 prevention and control

This is the content prescribed in the Guidance on using face masks in public places for COVID-19 prevention and control issued with Decision No. [2447/QĐ-BYT](#) dated September 06, 2022, of the Ministry of Health.

The Ministry of Health points out 8 cases for mandatory face masks for COVID-19 prevention and control, including:

- (1) Persons with symptoms of acute respiratory infection, persons with suspected or confirmed COVID-19.
- (2) Everybody (other than children under 5 years old) visiting public places in level-3 or level-4 areas.
- (3) At medical establishments; quarantine zones; accommodations hosting people undertaking medical quarantine or supervision: Face masks are required for everybody (except for those who are quarantined in a single room; people in respiratory distress or patients undertaking medical procedures, and children under 5 years old).



(4) On public vehicles: face masks are required for passengers; drivers, service staff on public vehicles; service staff, managers, and workers at stations, harbors, and waiting rooms who are in direct contact with passengers.

(5) At malls, supermarkets, and wholesale markets: Face masks are required for service staff, managers, and workers in direct contact with customers.

(6) At places with poorly ventilated closed spaces (bars, discotheques, karaoke centers; spa and massage centers; fitness clubs; on-site food and beverage facilities; cinemas, theaters... Face masks are required for service staff, managers, and workers in direct contact with customers.

(7) In places with poorly ventilated closed spaces: Face masks are required for service staff, managers, workers, and salespersons in direct contact with customers and participants.

(8) At places where dossiers are received or transactions are conducted: Face masks are required for staff receiving dossiers and staff conducting transactions when being in direct contact with customers.

Others apart from places and persons are encouraged to wear face masks in public places.

Foreign affairs

5 prohibited acts for foreign non-governmental organizations

On August 31, 2022, the Government issues Decree No. [58/2022/ND-CP](#) on the registration and management of foreign non-governmental organizations in Vietnam.

However, Article 5, Article 58 shall prohibit acts for foreign non-governmental organizations to manage their activities in Vietnam as follows:

- Organizing, carrying out, participating in, or financing religious activities and others that are non-compliant with national interests or infringe national defense and security, social order, and security of Vietnam.
- Organizing, carrying out, or participating in activities for profit, not for humanitarian aid, or development assistance purposes.
- Financing activities against, or aimed at overthrowing the administration in other countries, terrorist organizations, and terrorism activities.
- Organizing, participating in, or financing money laundering activities, and related activities.
 - Organizing, participating in, or financing other activities against social ethics, fine customs and traditions, cultural identity, and the great national unity bloc of Vietnam.

LIST OF UPDATED LEGAL NORMATIVE DOCUMENTS

| Finance - Banking | | |
|---------------------------|---|--|
| 1 | Resolution No. 116/NQ-CP dated September 05, 2022 of the Government on the plan for classification of financial autonomy of public non-business units in 2022 | Issuing date: 05/09/2022 Effective date: 05/09/2022 Effect status: In force |
| Tax – Fee – Charge | | |
| 2 | Notice No. 8625/TB-CTTPHCM dated June 01, 2022 of Ho Chi Minh Tax Department on guiding the registration, use and provision of e-invoice information in a number of cases... | Issuing date: 01/06/2022 Effective date: 01/06/2022 Effect status: In force |
| Labor - Salary | | |
| 3 | Official Dispatch 5249/VPCP-KGVX 2022 settlement of the leave under the social insurance regime for employees with confirmed COVID-19 | Issuing date: 16/08/2022 Effective date: 16/08/2022 Effect status: In force |
| Medical - Health | | |
| 4 | Decision No. 2447/QD-BYT dated September 06, 2022 of the Ministry of Health promulgating the Guidance on using face masks in public places for COVID-19 prevention and control | Issuing date: 06/09/2022 Effective date: 06/09/2022 Effect status: In force |
| Foreign Affairs | | |
| 5 | Decree No. 58/2022/ND-CP dated August 31, 2022 of the Government on registration and management of foreign non-governmental organizations in Vietnam | Issuing date: 31/08/2022 Effective date: 01/11/2022 Effect status: Not yet applied |
| Transport | | |
| 6 | Circular No. 12/2022/TT-BGTVT dated June 30, 2022 of the Ministry of Transport providing the List of potentially unsafe products and goods subject to the state management by the Ministry of Transport | Issuing date: 30/06/2022 Effective date: 15/08/2022 Effect status: In force |



Thank you for your reading!

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