



Mr. Nguyen Bac Son
Minister of Information and Communications
nbson@mic.gov.vn
CƠ QUAN CHỦ QUẢN
BỘ THÔNG TIN VÀ TRUYỀN THÔNG (MIC)
18 Nguyễn Du
Hà Nội, Viet Nam

7th June 2013

Dear Mr. Nguyen,

Re: Draft Internet Decree on Internet Services and Online Information

The Asia Internet Coalition (AIC) is an industry association formed by eBay, Facebook, Google, Salesforce and Yahoo! Incorporated. The AIC seeks to promote the understanding and resolution of Internet policy issues in the Asia Pacific region.

The AIC is very concerned about the draft Decree on Internet Services and Online Information. By creating an unreasonable regulatory burden, foreign companies may find themselves unable to invest in Vietnam and domestic companies will be unable to innovate enough to be globally competitive. We are appreciative of earlier efforts by the Government of Vietnam to share a draft of the Decree and to engage in consultations about proposed policy changes. However, we are disappointed that recent engagement has been limited and that the Government has been unwilling to share updated drafts of the Decree.

We appreciate your consideration of the following comments:

1. **RE: Article 5 - Prohibited Conducts** - Many of the prohibited conducts are not clearly defined, subjective and open to interpretation. Uncertainty in laws and regulations makes it more difficult for companies to comply. We urge the Ministry to clearly and narrowly scope these prohibited conducts.
2. **RE: Article 22 - Rights and obligations of foreign entities providing cross-border public information** - This article should clearly delineate the difference between a cross-border service provider and domestic service provider. For example, it should be clarified that having a representative office in Vietnam does not subject a cross-border service provider to other articles in the Decree. This provision also states that cross-border service providers must “comply with prevailing laws”. Do these prevailing laws include the contents of other articles of this Decree?



3. **RE: Local server requirements** - Local server requirements are impractical for domestic industry and prevent local companies from using major web hosting platforms that do not have domestic servers. These requirements could also prevent mobile application developers from distributing their applications on mobile operating systems. These requirements should be removed.

Thank you for taking the time to review our comments, and look forward to further engaging you on this. We would be most willing to work with Vietnam on Internet-related issues and provide views where appropriate. Should you have any further queries please do not hesitate to contact director@asiainternetcoalition.org for any further information on the contents of this submission.

Thank you.

Best wishes,

A handwritten signature in dark blue ink, appearing to read 'J. Ure', with a long horizontal stroke extending to the right.

Dr John Ure
Executive Director
Asia Internet Coalition