



26 November 2013

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

Dear Mr. Nguyen,

Comments on the Decree 72 on the Management, Provision and Use of Internet Services and Information Content Online (Decree 72/2013-ND-CP)

About the Asia Internet Coalition

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

We are grateful for the opportunity to provide comments on the Implementing Circular for Decree 72/2013. The Internet constitutes 0.9% of Vietnam's GDP and is growing rapidly as a new engine of Vietnam's economy.

We have three primary concerns with the draft Implementing Circular:

- 1. Students are not allowed to launch websites.** The circular requires that website owners have at least two people with technical university degrees and three people with university degrees to manage content. If a student or group of students wishes to launch a website, they are unable to do so. The circular requires that a site prove that it has at least two years of financing. Many of the great global technology companies, created by students without a two-year financing plan, could have never been created in this environment.
- 2. Barriers to launch a website will choke the start-up ecosystem.** The process of obtaining a license, personnel requirements, financing requirements, reporting requirements, etc., are so onerous that entrepreneurs will either 1) ignore the rules 2) choose not to launch a website or 3) establish their website in another country to avoid complying with the rules.
- 3. Lack of clarity on “coordination with Government”:** The circular requires “coordination” with competent state authorities but does not specify how that process will work. The circular should spell out specific mechanisms for how the Government will request user data and removals. The circular should also specify what oversight will be put in place to prevent abuse.



We have also identified the following specific issues for your consideration:

Specific Issues

Article 2.3 - Requires site owners to put a a large amount of information (contact details, license number, etc.) on the front page of the website. Why is a Contact or About link insufficient?

Article 3.1 - Requires the person in charge of content management to have at least a university degree and be quite senior. This is unreasonable, particularly for start-up companies.

Article 3.2(a) – Requires a financial plan to ensure operations for a minimum of two years. Start-up companies rarely have this kind of funding. Start-ups usually develop their site and then approach investors for funding after they have a product they can show investors. This requirement should be removed or adjusted to take into consideration the start-up ecosystem.

Article 3.2(b) - At least one server in Vietnam. This is unnecessary and means that Vietnamese sites cannot use many global platforms.

Article 3.2(b) - Requiring a user give their national identity on all sites exposes users to increased and unnecessary risk of data theft.

Article 3.3 - Requires website creators have university degrees. This means that a group of students cannot create a website. This should be removed as many of the best websites are created by students.

Article 3.3(c) - In order to protect users' data, there needs to be a clear process for “coordinating with state management bodies”. There should be judicial oversight to prevent abuse. For example, there should be a process in place to prevent a single police officer from compelling a company to hand over data that is not related to a legitimate law enforcement case.

Article 3.3(f) – The mechanism of removal requests from state management agency needs to be specified. E.g. the Government should cite specific URLs so that the burden on companies is not too great.

Article 4 - In order to obtain a license, a website creator must have a registered business and University degree. This is unnecessary.

Article 4 - Burdensome licensing requirements will likely be ignored, deter potential site creators or incentivize them to launch Vietnamese-language websites from other countries. With the millions of websites in Vietnam, is there a regulator that has the capacity to handle the number of licenses?

Article 8 - Local server requirements should be removed. As the requirement appears focused on user data and removals requests by the Government, a clear legal mechanism for these should be established instead.



Article 9.4 - Automatic filters for illegal content is an unreasonable request. What is a red alert mechanism?

Article 10.b - Implies that users will be responsible for knowing if something is legal or not when they link to it. This should be removed. Burden should be on the host of the content, not on the user.

Article 10 - Reporting regime is onerous and should be simplified or removed.

Please feel free to contact us at director@asiainternetcoalition.org if you would like to have further conversations on any of these comments. We appreciate the opportunity to have responded to this important inquiry.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'John Ure', with a horizontal line underneath.

Dr. John Ure
Executive Director
Asia Internet Coalition