

No: 08/2000/TT-BVHTT

Hanoi, April 28th 2000

CIRCULAR

**OF THE MINISTRY OF CULTURE AND INFORMATION No. 08/2000/TT-BVHTT DATED
APRIL 28th, 2000 ON GUIDING THE MANAGEMENT OF ELECTRONIC GAMES**

Pursuant to Article 58 of the Law on the promulgation of legislative documents dated November 12th 1996;

Pursuant to Degree No. 81/CP dated November 8th 1993 issued by the Government on functions, tasks, powers and organizational structure of the Ministry of Culture and Information;

In order to reinforce the State management in term of Culture and Information, ensuring the right to be active in business of enterprises according to regulations in the Law on Enterprise so as to satisfy better and better the healthy entertainment needs of people, the Ministry of Culture and Information promulgates this Circular guiding the management of electronic games.

I- GENERAL PROVISIONS

Article 1.

The electronic games include:

1. Any device with installed electronic games or other entertaining content through electronic technique;
2. Any tape, disc and component with electronic game content;
3. Any electronic game-play machine and device.
4. Any computer, computer network with electronic game content.

Article 2.

Business entities of electronic games include:

1. Individual business households defined in the Decree No.02/2000/ND-CP dated February 3rd, 2000 issued by Government on the business of electronic game services;
2. Enterprises and companies which have registered in other business lines and then add the provision of electronic game services;

3. Enterprises, companies specialize in providing electronic game services;
4. Organizations are non-business units earning from the provision of electronic game services;
5. Individuals and organizations use electronic games for non-commercial purposes;
6. Entities defined in Clauses 2 and 3 of this Article include business cooperation contracts and joint ventures with foreign countries.

Article 3.

Individuals and organizations using or providing electronic game services shall only be allowed to use machines or tape and disc with healthy entertainment contents, thus contributing to physical development and improving the aesthetics awareness for people.

Article 4.

The following acts are strictly forbidden:

1. Organizing electronic games, producing, importing or exporting electronic game machines, devices, tapes, discs, components, installing electronic games into computer or computer networks with the following contents:
 - a / To be against the State of the Socialist Republic of Vietnam;
 - b / To incite violent behaviors, to divide among peoples and peoples of countries, to propagate reactionary thoughts and culture, obscene and depraved ways of living, criminal acts, social evils, superstition, to sabotage the fine customs of Vietnam;
 - c / To distort history, to negate revolutionary achievements, to offend the great men and national heroes; to slander and derogate the prestige of the organization and the honor and dignity of citizens;
2. Organizing electronic games with the prize in money or gambling.
3. Providing electronic game services at locations under 200m from the gates of school (from kindergarten to high school), regardless of their localities.

II. CONDITIONS AND PROCEDURES OF BUSINESS

Article 5.

Business conditions.

Business entities providing electronic game service specified in this Circular must satisfy the following conditions:

1. The business locations under their lawful ownership or use right shall ensure hygiene, to be airy in the summer, and to be warm in the winter; and not to obstruct traffic order and safety;
2. The used devices are ensured to provide healthy appearance, technical specification such as: clear sounds, beautiful colors, sharp images;
3. When business entities are individuals, they must comply with the provisions of Clauses 5 and 6, Article 9 of the Enterprise Law;
4. Business entities which have demand to enter into business cooperation contracts or joint ventures with foreign countries for the provision of electronic game services must have capital and feasibility studies as provided for by the legislation on investment cooperation with foreign countries. .

Article 6.

Business registration procedures:

1. Entities defined in Clause 1, Article 2 of this Circular shall register their business at the business registration bureaus under the district-level People's Committees.
2. Entities defined in Clauses 2 and 3, Article 2 of this Circular shall register their business at the business registration bureaus under the Planning and Investment Department.
3. Entities wishing to conduct business cooperation or enter into joint ventures with foreign parties in the provision of electronic game services (including those engaged in the provision of electronic game services and those engaged in other business lines and addition to electronic game services), which shall be issued to investment licenses under the competence of the People's Committees of the provinces or centrally-run cities, shall have to obtain written evaluation of the local Department of Culture and Information. The written evaluation of the Department of Culture and Information shall also be sent to the Ministry of Culture and Information (the Planning Department) for reporting.
4. Entities wishing to conduct business cooperation or enter into joint ventures with foreign parties in the provision of electronic game services (including those engaged in the provision of electronic game services and those engaged in other business lines and addition to electronic game services), which shall be issued to investment licenses under the competence of the Ministry of Planning and Investment to issue investment licenses, shall be appraised in written by the Ministry of Culture and Information.
5. When entities defined in Clause 4, Article 2 of this Circular conduct business shall register for tax payment at the local tax offices.

III. OPERATION OF ELECTRONIC GAME

Article 7.

After being granted investment licenses or business registration certificates for electronic game services, the entities are allowed to conduct business. When entities conduct business cooperation or enter into joint ventures with foreign parties, they must send registration documents to the local Department of Culture and Information. The registration documents must clearly state the number of investment licenses, the date of license issuance, the agency for issuance, the headquarters of the entities, the telephone number and business place to provide electronic games, as well as must comply with the relevant regulations in this Circular.

Article 8.

Organizations and individuals using or dealing in electronic games must take responsibility for their contents and shall not violate the prohibitions of Article 4 of this Circular; the points of service business only operate less than 12 pm.

In the case of not being determine the prohibited or non-prohibited contents, individuals and organizations using electronic games shall request the local Department of Culture and Information to evaluate and pay the fee for evaluation. The local Department of Culture and Information shall provide indicators to identify tapes, discs and components appraised and permitted public by the Department

Article 9.

1. The installation of the electronic game contents into computer networks must be permitted by the Ministry of Culture and Information according to current regulations.
2. Entities who import the machines installed electronic game contents or tapes or discs with electronic game contents for dealing in electronic game services, must ask for the permission of local Department of Culture and Information.

Local Departments of Culture and Information shall carry out to stamp or perform symbols on the machines installed contents already permitted by Departments.

IV. COMMENDATION AND VIOLATIONS SETTLEMENT

Article 10.

1. Entities providing electronic games, who violates the provisions of this Circular shall, up to the nature and seriousness of their violations, be administratively sanctioned or prosecuted for criminal liability.
2. Persons who detect and denounce violations or get achievements in the management of electronic game services shall be rewarded according to the State's regulations.

V. IMPLEMENTATION

Article 11.

This Circular takes effect as from June 1st, 2000, and replaces the Circular No. 03/1998 / TTB-TCT of June 22nd, 1998 issued by the Ministry of Culture and Information.

Article 12.

The local Department of Culture and Information shall take responsibilities to provide specific guidance for the implementation of this Circular in their respective localities and regularly inspect and handle violations according to their competence.

Article 13.

The People's Committees of the provinces and centrally-run cities, the heads of the Ministry's Office, the Chief Inspector of the Ministry, the Heads of relevant Departments under the Ministry of Culture and Information, shall take responsibilities to guide and inspect the implementation of this Circular.

Luu Tran Tieu

(Signed)