

DISSERTATION INFORMATION

Doctoral Dissertation Title: **Copyright protection on the Internet**

Major: Economic Law

Code: 62.38.01.07

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1. ESSENCES OF DISSERTATION**Objectives:**

The overall goal of this Dissertation is to identify the impacts of the Internet on copyright protection, analysis of the ability to protect copyright in the internet environment of existing laws. On that basis, the Dissertation proposes recommendations to improve the law on copyright protection over the Internet in the balanced relationship between the rights of copyright holders and the community's interest.

Scope:

Scope of content: Within the framework of the dissertation, the author focuses on: (i) Copyright on the Internet environment, (ii) Exceptions to copyright on the Internet environment, (iii) Right to self-protect by technological means, (iii) Exceptions of the right to self-protect by means of technology.

Scope of regional laws: Some regulations relates to copyright on the Internet, with legal reference of some countries in the world, including America, Japan, Australia.

Researching period: the current regulations, with reference to the expired legal provisions.

Research methods: Analysis, Synthetic, Comparisons, Inter-disciplinary research.

The essences of theory and practice:***In theory***

The Dissertation clarify the theoretical issues in copyright over the Internet:

Firstly, approaches to solving problems based on the principle of balancing the rights of copyright holders with the community's interest;

Secondly, clarifies the effects of the Internet on copyright protection on the Internet in the following aspects: The influence of the Internet on copyright, the influence of the Internet on the copyright exception, the influence of the Internet on the right to protect works by technological measures, the Internet affects the exception of the right to protect works by technological measures.

Finally, clarifying the problems posed by the Internet about copyright protection in order to serve as a premise for the study and propose recommendations to improve the Vietnamese law on copyright protection over the Internet.

In practice

The Dissertation gives a general picture of Vietnam's intellectual property law on copyright protection on the Internet. Specifically, Vietnam's intellectual property law has paid attention to the issue of copyright protection over the Internet. However, Vietnam's intellectual property laws are still incompatible with the development of the Internet in terms of: (i) Digital copy issues have not been resolved; (ii) The exception of the right to copy is no longer relevant to the development of the Internet; (iii) The right to protect the work by means of technology not appropriate to the Internet; (iv) The exception of the right to self-protect by technological measures does not ensure its meaning on the Internet. The law on the protection of copyright on the Internet environment of Vietnam is different from the laws of some countries in the world.

Through the research process, the Dissertation shows that the protection of copyright on the Internet, in accordance with the development of technology, is important for protecting both the rights of copyright holders and community interests. Proposals on legal adjustments to copyright on the Internet are the basis for promulgating legal regulations on copyright protection. In addition, the Dissertation is also a useful reference for researchers, teaching staff.

2. RESULTS OF THE DISSERTATION

The dissertation adopted the above research methods and drew out the following conclusions:

Firstly, the current replication regulations do not match the copy on the Internet environment. “Copy” is a core concept of the right to copy, it is necessary to amend and supplement the legal provisions on the rights and exceptions of the right to copy in order to meet the requirements of the Internet.

Secondly, it is important to extend the scope of exceptions for the right to copy digital works for research, online teaching and e-library archival purposes.

Thirdly, it is necessary to clarify the scope of the right to self-protect works by technological measures in order to prevent infringement of copyright to ensure the rights of creators of works over the Internet.

Lastly, it is necessary to ensure that the right to self-protect works by technological means does not affect the rights of Internet users in cases of exploiting published works without asking for permission of copyright owner.

From the above identifications, the Dissertation recommends these following modifications:

1. *Recommendations to improve the law on copyright over the Internet:* (i) Amendment and supplementation of the copy right at Point c, Clause 1, Article 20, of the Vietnam Intellectual Property Law; (ii) Supplementing the definition of fixation in the explanation of words in Article 4 of the Law on Intellectual Property of Vietnam.
2. *Recommendations to improve the law on the exception of copyright on the Internet:* (i) Adding conditions so that an act of exploiting works of the library is not the scope of copyright in Clause 1, Article 25, Vietnam Intellectual Property Law; (ii) Supplementing the case of copying a work for archives in the library for backup purposes or in a new form consistent with the development of technology; (iii) The supplementary field is reproduced in a format suitable to the needs of the displayer in Clause 1, Article 25, of the Vietnam Intellectual Property Law; (iv) The school additionally copies the work for the purpose of supporting documents between libraries in Clause 1, Article 25 of the Law on Intellectual Property of Vietnam.
3. *Recommendations to improve the law on the right to protect works by technological measures over the Internet:* (i) Adding the act of intentionally canceling or deactivating technological measures to protect works is an act violation in Clause 12, Article 28 of Vietnam's Intellectual Property Law; (ii) Adding acts of manufacturing equipment, providing services infringing upon technological measures to protect works is the violation specified in Clause 14, Article 28 of the Law on Intellectual Property of Vietnam; (iii) Adding acts of commercial promotion for equipment and services used to infringe technological measures to protect works is a violation in Article 28 of the Law on Vietnamese Intellectual Property. At the same time, adding the object is a service provider disabling technology measures.
4. *Proposing to complete the law on the exception of the right to self-protect works by technological measures on the Internet:* (i) Amending regulations on infringement of technological measures but not as the violation specified in Clause 12, Article 28 of the Vietnam Intellectual Property Law, as it is in the case of using a work without the permission of the copyright holder; To add a law before Article 25 of the Vietnamese Intellectual Property Law regarding acts of exploiting works that are not infringement of copyright.

3. QUESTIONS REQUIRED ANSWER IN FURTHER RESEARRCH

The content that the Dissertation leaves open for the next research is the issue of copyright protection in comparison with the provisions of the new generation FTA agreements.

Ho Chi Minh City, 2020

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