

2024 AVIA Regulating for Growth – OCC TV Matrix for Vietnam

Questions	OCC TV	Foreshadowed Changes?
<p>1. How regulated? <i>Details of regulator/s</i></p>	<ul style="list-style-type: none"> OCC TV used to be regulated by Decree No. 06/2016/ND-CP issued by the Vietnamese Government on 18 January 2016 (as amended and supplemented by Decree No. 71/2022/ND-CP, Decree 06). However, OCC TV services providing films are also subject to the Cinema Law No. 05/2022/QH15 which took effect from 1 January 2023 (the Cinema Law) and its implementing decrees such as Decree 131/2022/ND-CP (Decree 131). <i>[Note: An OCC TV service providing film is still categorised as OCC TV and subject to relevant regulations on OCC TV. Other than regulations for OCC TV in general, it is further subject to regulations on cinema.]</i> According to Decree 06, OCC TV is defined as a type of radio and television service that uses internet connection via websites which have domain names or defined URLs managed by the Socialist Republic of Vietnam (including Internet applications). It can either be a free broadcasting service or subscription service (Pay TV). From 1 January 2023, Decree 06 also governs cross-border service providers who provide television and broadcast services in Vietnam. In addition, OCC TV providers must obtain licences for provision of OCC TV services broadcasting on-demand programmes on channels (service licence). In this case, OCC TV is treated as a kind of pay TV. The Ministry of Information and Communication (MIC) is the primary operational regulator. The Administration for Broadcasting and Electronic Information (ABEI) of MIC oversees OCC TV. Other than the service licence, under the Cinema Law and Decree 131, the OCC TV service only needs to inform the Cinema Department under the Ministry of Culture, Sports and Tourism (MCST) of the list of films to be offered and their age ratings before providing the service. In other words, the Cinema Department under MCST oversees films dissemination on OCC TV. 	N/A

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2. Copyright protection?	<ul style="list-style-type: none"> The legal framework of copyright and related/neighbouring rights (collectively referred to hereinafter as "copyright") meets basic international standards and includes protection of broadcast content. In practice, copyright enforcement and compliance are gradually improving. Although Vietnam is among 20 “watch list” countries in the 2024 Special 301 Report of the Office of the United States Trade Representative, it is not among the “priority watch list” of seven countries. While online piracy in Vietnam remains at very high levels, with a number of high-profile pirate services based in Vietnam serving international audiences, Vietnamese authorities have demonstrated efforts in dealing with piracy infringements by both heightened regulatory measures and improved effective enforcement actions, including but not limited to establishing a specialised IP court. In particular, the enforcement actions taken by the Hanoi police in August 2024 against Fmovies (described as the biggest pirate streaming operator in the world) in coordination with an MPA-led antipiracy group, demonstrate collaboration with international rightsholders to combat infringement. The current laws do not have specific rules governing OCC TV. However, in principle, all general copyright regulations are applicable to OCC TV. <i>(See Pay TV matrix for further information).</i> 	N/A
3. Convergence and new technologies	<ul style="list-style-type: none"> Generally OCC is covered by general regulations applicable to all types of TV and specific regulations applicable to OCC TV only. The Vietnamese authorities license and regulate transmissions via all technologies, including: <ul style="list-style-type: none"> Digital terrestrial TV service; Cable TV service, including analogue cable TV, digital cable TV and internet protocol TV (IPTV); Satellite TV service; Mobile TV service, including mobile terrestrial TV, mobile satellite TV and mobile terrestrial telecommunications network); and Internet television service (OCC TV). 	N/A

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4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	<ul style="list-style-type: none"> Foreign channels delivered via OCC are treated the same as those delivered via linear TV platforms, which require a landing licence (obtained through a local agent) and an editing licence (obtained through a local editing agency) <i>(See Pay TV matrix for further information)</i>. If OCC TV provides on-demand radio and television content on a fee-basis, then the OCC TV service providers must submit a Declaration following a prescribed form including the following content: <ul style="list-style-type: none"> Technical conditions and scope of provision of services; Mode of payment; Process of handling of complaint; Prediction of rights and obligations of parties; Prediction of content provided on services; and A “.vn” domain name or defined URL and Internet application that provides services. Licences for retransmission of foreign channels (as required by the regulations) are not routinely granted. The application process is time-consuming and non-transparent, which has substantially reduced overall channel availability and prevented some channels from obtaining licences. 	N/A
5. Licence fees and taxation	<ul style="list-style-type: none"> If an OCC TV provider operates under the licence for providing Pay TV services, then requirements for Pay TV are applicable. <i>(See Pay TV matrix for further information)</i>. As noted above, OCC TV services providing films are also subject to the Cinema Law. 	N/A
6. Rate regulation <i>Including wholesale and retail rate regulation and whether there are any price controls on eg. basic tier</i>	<ul style="list-style-type: none"> There are no legal provisions regulating subscription rates or price control. 	N/A
7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i>	<ul style="list-style-type: none"> There is no programme packaging requirement for OCC TV. OCC TV is not required to carry channels that serve essential political and propaganda information tasks of the country and local areas to subscribers. 	N/A

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<p>8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i></p>	<ul style="list-style-type: none"> • General regulations and restrictions on advertising are applicable. <i>(See Pay TV matrix for further information).</i> • If an OCC TV provider also provides cross-border advertising services in Vietnam (i.e., by providing information systems using one or more than one website in the form of symbols, numbers, letters, images and sounds and other forms of information to provide network users with services of information storage, provision, use, search and exchange, sharing of sounds and images, and creation of online chats and forums to provide advertising services), then the following requirements will apply to the OCC TV service provider as a cross-border advertising services provider: <ul style="list-style-type: none"> ○ Vietnamese and foreign advertising service providers, advertisement distributors and advertisers must comply with Vietnamese law and regulations on advertising, cybersecurity, provision and use of Internet services and online information; and payment of tax; ○ Required contact information must be filed with the Ministry of Information and Communications; ○ Broadcast of illegal content mentioned in the Cybersecurity Law and the Law on Intellectual Property is prohibited; ○ The provider must prevent and remove illegal information at the request of the MIC and competent authorities; and provide information on organisations and individuals involved in cross-border service provision upon suspicion of a violation of law upon request by the competent authorities; ○ Advertising service providers, advertisement distributors and advertisers shall not cooperate in advertisement distribution with websites identified as violating the law by competent authorities on the website of the MIC. 	<ul style="list-style-type: none"> • The draft Law on Amendments of certain articles of the Law on Advertising (the Draft Amendment) has been published for comments. The Draft Amendment may be subject to further change before enactment, and it is expected to be effective on 1 January 2026. <i>(See Pay TV matrix for further information).</i>
<p>9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds</i></p>	<ul style="list-style-type: none"> • If OCC TV is provided on a fee-basis, then the content regulations for Pay TV are applicable. <i>(See Pay TV matrix for further information).</i> • For provision of on-demand radio and television services on the Internet, it is not necessary to provide channels that serve essential political and propaganda information tasks of the country and local areas to subscribers. • The content requirement that local film content comprise 15%-20% of broadcast time relative to total broadcast time does not apply to OCC TV. 	<p>N/A</p>

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	<ul style="list-style-type: none"> • ICPs (Internet Content Providers) and ISPs exercise day-to-day control over content under direction from several government agencies, which have the power to fine/punish offending operators (including both ICPs and ISPs). • Censorship is typically enforced against anti-State, anti-Communist Party, religiously/racially charged content, and sexually explicit content, among others. IP address/site blocking is the preferred method of punishment, especially for foreign ICPs using offshore servers. • If an OCC TV service provides movies, then it must comply with the Cinema Law regarding film dissemination on the internet, as well as Circular No. 05/2023/TT-BVHTTDL, which prescribes film rating criteria and the display of film ratings and warnings. • Before proceeding with online dissemination, entities which are permitted to disseminate films on the Internet must be eligible to rate the film in accordance with Article 12 of Decree 131 and must be self-responsible for rating result. If the OCC TV provider is not qualified to rate the film under Article 12 of Decree 131 and the film is not issued with a Film Rating License, then the provider must request MCST or any relevant agencies authorised by MCST to rate the film. Notifications of the list of films to be disseminated and film rating results must be submitted to MCST. • Under Article 2 of Circular 05/2023/TT-BVHTTDL dated 05 April 2023 on regulations on film classification criteria and implementation of display of film classification levels and warnings (Circular 05), film ratings are arranged in ascending order as follows: <ul style="list-style-type: none"> ○ P rated: Eligible for dissemination to viewers of all ages; ○ K rated: Eligible for dissemination to viewers under 13 years old, provided that they are with their parents or guardians; ○ T13 rated (13+): Eligible for dissemination to viewers from 13 years old or older; ○ T16 rated (16+): Eligible for dissemination to viewers from 16 years old or older; ○ T18 rated (18+): Eligible for dissemination to viewers from 18 years old or older; and ○ C rated: Prohibited from dissemination. 	

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	<ul style="list-style-type: none"> Pursuant to Article 4 of Circular 05, enterprises must display the film classification level and warnings for films disseminated on cyberspace, and in particular: <ul style="list-style-type: none"> Films must display the film classification level in the programme introduction and display the programme on the device screen interface so that listeners and viewers can make decisions about listening to and watching movies provided on the service, ensuring that the movie classification level is clearly and prominently displayed; and The film classification level must be displayed in the upper left or right corner of the screen during the time the film is broadcast, ensuring that it does not overlap with the service icon or other icons. 	
9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i>	<ul style="list-style-type: none"> There is no requirement that certain programmes or channels must be subtitled or dub titled. Decree 06 (as amended by Decree 71) only requires that any subtitle or dub title must preserve the purity of Vietnamese language. 	N/A
10. Programme supply restrictions <i>Including must provide rules and other restrictions on exclusivity and anti-siphoning rules</i>	<ul style="list-style-type: none"> No legal restrictions on exclusivity nor “anti-siphoning” rules. 	N/A
11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and cross-media ownership restrictions</i>	<ul style="list-style-type: none"> FDI enterprises must have their policies approved by the Prime Minister. There is no stipulated limit for OCC TV platforms. Provincial investment departments consider OCC TV proposals on the same basis as other investments. Limits for wholesale distribution are the same as retail distribution platforms. 	N/A
12. Retransmission arrangements <i>Including must carry and remuneration</i>	<ul style="list-style-type: none"> In theory, free broadcasting OCC TV providers must broadcast channels serving essential political and propaganda information tasks. If OCC TV is a subscription service, it is not required to broadcast these programmes. 	N/A

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13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i>	<ul style="list-style-type: none"> • OCC TV subscribers generally enjoy consumer rights provided for under the Law on Protection of Consumer Rights. • If OCC TV is provided on a fee-basis, then consumer protection regulations for pay TV are also applicable. <i>(See Pay TV matrix for further information).</i> • If OCC TV is provided as a free broadcasting service, then consumers have the following rights: <ul style="list-style-type: none"> ○ to be entitled to own terminal devices and select free broadcasting service providers; ○ to receive information on free broadcasting services nationwide; and ○ to complain about the service quality to State regulatory authorities. • Enforcement of consumer protection provisions is generally weak. 	N/A
14. Entering a new market: FAST TV	<ul style="list-style-type: none"> • For OCC TV that is provided on a fee-basis, requirements to obtain a licence for provision of pay TV services are generally applied. <i>(See Pay TV matrix for further information).</i> 	N/A
15. Data handling	<ul style="list-style-type: none"> • In theory, since OCC TV is treated as an internet television service provided through “specialised application websites”, a service provider must have at least one server system in Vietnam for the inspection, storage, and provision of information at the request of competent authorities and settlement of customer service complaints in accordance with MIC regulations. However, based on publicly available information, these requirements have not yet been enforced on offshore OCC services. • Recently, Vietnam tightened regulations on the protection of personal data by issuing Decree No. 13/2023/ND-CP and the new Law on Protection of Consumer Rights, addressing the protection of consumer data. <i>(See Pay TV matrix for further information).</i> 	N/A
Other country-specific information not already covered	N/A	