

05 September, 2025

Office of the Prime Minister
Cc National Assembly

To whom it may concern,

RE: Request for reconsideration of Online Curated Content Services under the Press Law and Decree No. 06/2016/ND-CP (as amended and supplemented)

The Asia Video Industry Association (AVIA) is the trade association for the video industry and ecosystem in Asia Pacific. It serves to make the video industry stronger and healthier through promoting the common interests of its members. AVIA is the interlocutor for the industry with governments across the region, leads the fight against video piracy through its Coalition Against Piracy (CAP) and provides insight into the video industry through reports and conferences aimed to support a vibrant video industry.

We are writing in relation to the proposed revisions to the Press Law. Whilst we recognise that these amendments aim to address a range of policy objectives, we would welcome the opportunity to share our views on the current regulatory framework governing Online Curated Content (OCC)¹ service providers in Vietnam. In particular, we wish to highlight the challenges faced by international OCC service providers due to the regulatory burdens placed on them as a result of both Decree 71 and the Press Law, amongst others.

We note that the Press Law was last amended back in 2019. At that time, AVIA submitted comments the draft, including a legal analysis of the Press Law and its applicability to streaming platforms. For reference, we have re-attached that analysis as we believe it remains pertinent to the ongoing discussions surrounding the update of the Press Law. In addition, at the end of this letter, we have added additional analysis of the current situation from one of our members, which may be helpful.

Since 2019, several regulatory developments have taken place, some of which were welcome, such as the Cinema Law. However there have been others which have had adverse implications for the streaming industry. AVIA welcomed the 2022 amendment of the Cinema Law which introduced a self-classification mechanism for OCC “film” content under its implementing regulations (Decree 131 and Circular 05). However, “non film” content continues to fall under the scope of the Press Law, resulting in additional burdens on OCC service providers. However, OCC services possess distinct characteristics that align more closely with those services regulated under the Cinema Law.

The current bifurcation – where “film” content is governed by the Cinema Law and “non-film” content currently by the Press Law - creates a fragmented and confusing regulatory landscape for OCC service providers who provide both “film” and “non film” content on their services.

¹ Other common terminologies include Video on Demand (VOD) services, streaming services, OCC Providers (OCCP), the common characteristic being that these services offer a fully curated content catalogue, have direct control over the content available on their services and permit the authorised use of this content and other assets by third parties.

Accordingly, AVIA respectfully urges that the proposed amendments to the Press Law take the opportunity to address this confusion and ensure consistency of regulating content on OCC services, especially those who provide both “film” and “non film”. Specifically, we advocate for the adoption of the Cinema Law’s approach of self-classification/ex-post model to be applied to “non film” content on OCC services.

In this regard, we would note the following:

Firstly, we note that **Article 1** of the Press Law states that the scope of the Law is to regulate press freedom, the right to freedom of speech on the press of citizens; the organization and operation of the press; the rights and obligations of agencies, organizations, and individuals participating in and related to press activities; and state management of the press. Whilst **Article 2** clearly states that the law applies to agencies, organisations, and individuals participating in and related to press activities. Indeed, going further, the definitions of the terms used solely refer to press and the various activities involved yet the term “press” is defined as “information products about events and issues in natural and social life expressed in text, images, and sound, created and published periodically (for print press) and distributed, transmitted to the public through types of print press, electronic press, audio press, visual press, and content channels of press agencies on cyberspace.” Finally, “press activities” are defined as “activities of creating journalistic works, press products, and information products of a journalistic nature; providing and feedbacking information to the press; rectifying information on the press; publishing, printing, and distributing print press; transmitting electronic press and transmitting, broadcasting audio press, visual press; and publishing press on cyberspace.”

However, OCC services focus on purely entertainment products, rather than press products and have a number of characteristics and attributes which are more relevant to services identified under the Cinema Law. The Press Law states that the function of the press is, amongst other things, as “an essential means of information for social life,” to “truthfully inform about the situation of the country and the world,” and to “reflect and guide public opinion.” OCC services are commercial entities, usually with fictional content, designed to satisfy the cultural and entertainment needs of viewers. Indeed, they do not carry “news” but rather general entertainment products, of which the majority of “non-film” content is scripted rather than non-scripted.

Additionally, OCC services are not a part of the broadcasting ecosystem since they are functionally distinct from TV and radio broadcasting that involves a combination of carriage and content. TV broadcasters transmit their content to consumers through Distribution Platform Operators (DPOs) and OCC services send data over IP networks, like any other information exchange over the internet. Online streaming services are a very different style of content platform, offering consumers a push vs pull method to access their content, distinct from traditional TV broadcasting. Broadcast television delivers content to mass audiences/viewers as per a pre-determined programming schedule. On OCC services, consumers make informed decisions on what they want to watch, when they want to watch and on what type of device, they want to watch it on. As these are distinct activities, they require distinct regulatory approaches and, as such, OCCs should not be clubbed with conventional broadcasters to avoid overlap and confusion.

Given all of these apparent differences in definitions, AVIA would argue that given this very clear focus on journalism and journalistic works, excludes OCC services from the Press Law. Additionally, by including OCC services under the Press Law additional and burdensome requirements are placed upon them, most notably that they are subject to Decree 71 which includes the need to register and obtain a

licence in order to provide their services. This requirement, unique in Asean governments, has placed a hurdle on the majority of OCC providers which they have been unable to overcome resulting in them either exiting the market or simply showing films on their services, a move which then enables them to be regulated under the Cinema Law. Indeed, the current distinction between film and non-film content makes it impractical for foreign OTT services to offer their full catalogue in Vietnam, thus limiting consumer access. A unified regulatory framework, supported by robust self-rating and consumer information, would better safeguard the best interest of Vietnamese audiences while ensuring that they enjoy the same diverse content available across the region, as well as enable government and industry to shape positive outcomes. AVIA would therefore request that a clear distinction is made between content which is clearly press and/or news related and other types of content, such as general entertainment.

AVIA would welcome the opportunity to provide more details as necessary.

Yours faithfully,



Clare Bloomfield
Chief Policy Officer

MEMO: DRAFT PRESS LAW
Last update: August 27, 2025

Context

In recent years, the Government of Vietnam has introduced various new regulations to manage over-the-top (“**OTT**”) services, covering both local and foreign / cross-border service providers. Content regulation is divided into two categories: **film content**, governed under the Cinema Law and its implementing regulations, and **non-film content**, governed under press and television regulations, primarily the Press Law and Decree No. 06/2016/ND-CP on radio and television services, as amended by Decree No. 71/2022/ND-CP.

Regulatory approaches to film and non-film content remain inconsistent, with significant higher barriers to non-film services. Under the Cinema Law, both domestic and foreign entities need only obtain a Certificate of Self-Classification Eligibility to distribute films online, subject to post-check oversight by the authorities. In contrast, providers of non-film content are required to obtain a burdensome License for Paid Radio and Television Services (“PayTV Service License”), which requires the establishment of a local entity and approval by the Prime Minister under the Press Law and Decree 71.

The draft Press Law currently under development maintains this approach and entities providing pay TV services remain subject to a PayTV Service License requirement prior to operation.

Industry Perspective

- The dual requirement to obtain a PayTV Service License and establish a local entity with Prime Ministerial approval is unworkable, as no foreign OTT provider has been granted such a license. This has effectively forced global platforms to exit Vietnam altogether or at the bare minimum remove non-film content from their services.
- Vietnam’s ex-ante, entity-based approach to non-film content is not aligned with the self-classification, post-check regime for online film dissemination under the 2022 Cinema Law. The film regime has been clearly more favourable to the industry and also promoted compliance, investment, and growth, with limited negative impact on the quality of content access by users in Vietnam. By comparison, the rigid obligations under the Press Law and its implementing regulations (Decree 06 and Decree 71) stifle participation and investment, create regulatory inconsistency across content types, and undermine Vietnam’s ambition to develop a competitive and innovative digital content ecosystem.
- The absence of a viable regulatory pathway discourages international service providers from investing in local productions or collaborating with Vietnamese creators. Without a clear framework for distributing non-film content widely in Vietnam, global platforms have even less commercial incentives to invest in domestic production or upskill the local industry.
 - By contrast, in neighbouring countries such as Thailand, OTT providers and production studios have invested into both film and non-film content, generating successful local productions and strengthening creative economies. Unless Vietnam addresses its regulatory barriers, it risks missing out on similar opportunities for growth and cultural influence.

Recommendations

1. Explicitly exempt OTT services from the PayTV Service License requirement in the Draft Press Law, allowing cross-border providers to operate in Vietnam without establishing a local entity.
2. Permit OTT service providers to self-classify non-film content and subject them to post-check oversight.
3. Align the self-classification mechanism for non-film content with the framework for self-classification of film content under the Cinema Law, to ensure consistency in the regulation of all OTT content types.