

A Need for Policies to Protect Intellectual Property

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Resolution of the VCP Central executive Committee of the 8th term affirms that Vietnam should "perfect the law system on the protection for intellectual property and encouragement to technology transfer... encourage the public to engage in scientific research, technical innovations, inventions and applications of scientific advances to production and daily life... and take measures to discover and prevent production and distribution of fake goods."

In addition, Vietnam, on its way to WTO, has to carry out reforms and perfect regulations on protection for the intellectual property according to the WTO standards.

As everybody knows, establishing and beefing up full and effective protection for the intellectual property is a requirement posed by the international integration and industrialization process. Transition to the knowledge-based economy also forces Vietnam to meet requirements about this issue. To achieve this aim, I want to

suggest here some petitions.

Firstly, the Government, to stimulate productive forces, should take action to struggle against the production of fake goods and punish severely acts of imitating and exploiting illegally fruits of creative labor.

Foreign realities in recent decades show that certain economies have based their development on the production of low-quality goods. To a certain extent, such a strategy also brought about some benefits. For example, it allowed the production of some consumer goods when facing the shortage of capital and at the same time competed against producers of high-quality goods for a niche in the market.

Taking a long view on all aspects, however, we could see that the production of fake goods contained many dangers and bad effects (it first of all produces commercial frauds and makes them more serious; secondly, it kills creative efforts at home and discourages investors from abroad, thus damaging interests of consumers and the society as a whole, including producers of fake goods, etc.) Moreover,

the globalization trend and the tendency to emphasize the intellectual property rights will not allow an economy to choose the production of fake goods as its starting stage. That is why Vietnamese Government considers it as a factor that causes harm for the industrialization and modernization.

The production of fake goods also has close relations with the crime of stealing intellectual property. Therefore the struggle against fake goods must be supported by laws that protect intellectual property rights and punish properly acts of imitating, copying and using illegally objects of industrial property.

Secondly, the Government should adopt policies to encourage investment in new technology and innovations. The encouragement is not limited to spiritual ones, it must ensure legal basis materialized in rules and regulations that allow investors could benefit from the fruits of their labor.

It is a principle essential to the development of the protection for industrial property. Before the economic reform, the encouragement to technical

innovations and inventions was usually in form of spiritual rewards or benefits. When the market mechanism was adopted, the Government became aware of the necessity and meaning of the new mechanism in which financial benefits from application of scientific advances and inventions serve as a basis and motivation for creative works. This mechanism doesn't treat spiritual reward as a decisive factor of the creative activities. It even proves that creative activities will reduce or be eliminated if they only obtain spiritual rewards. The new mechanism works on the principle that the financial benefit is used for covering expenses on the inventions and investing in new achievements.

Thirdly, both benefits for creators and the whole society must be ensured. In other words, interests of the community and owners of creative works must be balanced.

Generally, all mechanisms must aim at serving the development of society. That is why the good of the community must be always taken into consideration. Protection for interests of creators sometimes is en-

sured at the others' expense, therefore the State always pays full attention to the good of the community when making laws on the industrial property rights. To achieve this aim, beneficiaries of new achievements seem always to meet certain requirements, that is, to exchange some interests with the society.

Fourthly, besides protection for the intellectual property, measures to prevent abuse of these rights are also much needed. It seems that the abuse of protection of the intellectual property always leads

conditions of a country and its international integration. In recent years, efforts to protect the intellectual property, and industrial property in particular, have made good progress worldwide. Conditions in Vietnam haven't allowed it to establish overnight a system for protecting the industrial property of international standards. The development of such a system requires time and must be a gradual process in which each step is based on needs and ability of the government before a system of international standard could be

development on the way to the knowledge-based economy. The law system must aim at creating a level playing field, struggling against monopoly and allowing companies to develop their creative autonomy to the full. In the public sector today, personal responsibility is not made clear. Nobody bears responsibility for losses and mistakes. This situation will not occur if private companies are in charge.

Productive forces of all classes must be liberated as suggested by VCP resolutions. At present, per-

suring social equality and protecting the underdogs.

Seventhly, scientific and technological ability of the country must be beefed up and policies suggested by the Resolution 2 of the VCP Central Executive Committee must be carried out. These policies are as follows:

- looking for, developing and employing the talent,

- creating conditions for the scientific circle to apply new advances and ensuring democracy in scientific researches,

- ensuring the fair competition between compa-



to the use of these rights as an instrument for limiting creative efforts by others, exerting pressure on developing countries and preventing them from achieving targets of social welfare. Threats to use sanctions against failures to protect the intellectual property in the past decade show that the global protection for the intellectual property contains many traps developing countries should be aware of and deal with.

Fifthly, development of the protection for industrial property should first serve the socioeconomic development so it must be suitable to both current

established.

Sixthly, the administrative machinery must be reform with a view to encouraging creative efforts and helping all sectors and classes to contribute more energy to the economic growth.

The State controls the development by using laws and policies to facilitate fair competition and improve social benefits and refrains itself from intervening into economic activities, thereby allowing all individuals and organizations to reach their full potentials.

Companies of all sectors play a decisive role in the technical and scientific

sons of authority are still confused about relations between the market mechanism and the State control because the Government wants to orient the market economy towards the socialism. The most important task today is to develop productive forces, so the relations of production must be made suitable and useful to the development of productive forces. Everybody must have right to do business and getting rich must be encouraged. As for the State, it had better limit itself in redistributing wealth and income, improving social benefits, en-

nies by cutting all subsidies while keeping on give incentives to development of high technologies,

- increasing investment in R&D to 2% of the GDP and risk investment, and

- developing technological parks faster and paying more attention to the information technology.

Eighthly, the administrative reform must be accelerated in order to perfect the legal infrastructure for creative efforts and development of business. If the administrative machinery can't support the production, it must keep itself from becoming an obstacle. ■