

THE GOVERNMENT

**Decree No. 103/2011/ND-CP dated November 15, 2011 of the Government amending, supplementing some articles of the Decree No. 133/2008/ND-CP dated December 31, 2008 of the Government detailing and guiding the implementation of a number of articles of the Law on Technology Transfer**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the November 29, 2005 Law on Technology Transfer;*

*At the proposal of the Minister of Science and Technology,*

**DECREES:**

**Article 1.** To amend, supplement articles of the Decree No. 133/2008/ND-CP dated December 31, 2008 of the Government detailing and guiding the implementation of a number of articles of the Law on Technology Transfer (hereafter called Decree 133/2011/ND-CP).

**1. To amend, supplement point b, paragraph 1, Article 7 and point d, paragraph 2, Article 12 as follows:**

“The original or a notarized copy of the technology transfer contract in Vietnamese and a foreign language. In the case that contracting parties for technology transfer are Vietnamese organizations and individuals, only technology transfer contract in Vietnamese is needed. The contract must be signed and sealed by the contracting parties and must be initialed and sealed by the contracting parties on every two adjoining pages and annexes in case a contracting party is an organization.”

**2. To amend, supplement point a, paragraph 2, Article 8 as follows:**

“An application for registration of modification of the technology transfer contract shall be made according to a form provided in Appendix V to the Decree amending, supplementing some articles of the Decree No. 133/2008/ND-CP (not printed herein).

**3. To amend, supplement point b, paragraph 2, Article 8 as follows:**

“The original or a notarized copy of the modified contract in Vietnamese and a foreign language. In the case that contracting parties for technology transfer are Vietnamese organizations and individuals, only technology transfer modified contract in Vietnamese is needed. The contract must be signed and sealed by the contracting parties and must be initialed and

sealed by the contracting parties on every two adjoining pages and annexes in case a contracting party is an organization.

**4. To amend, supplement paragraph 3, Article 8 as follows:**

“Dossiers for registration of modification of technology transfer contracts shall be made in 03 files with 01 original and 02 copies. Technology transferees (in case of transfer of technologies from abroad into Vietnam or within the country) or technology transferors (in case of transfer of technologies from Vietnam abroad) will be on behalf of the contracting parties to submit a dossier to an agency competent issued technology transfer contract registration certificates to propose the modification of technology transfer certificate.”

**5. To supplement paragraph 4, Article 8 as follows:**

“Authorized agencies prescribed at paragraph 1, Article 8 of this Decree will examine the issuance of modification of technology transfer certificate within 07 working days after receiving the valid dossier, and authorized agencies must answer by written notices for the cases not allowed to issue modification of technology transfer certificate and detailed reasons.

**6. To amend, supplement paragraph 2, Article 10 as follows:**

“Organizations and individuals that wish to receive or transfer technologies on the list of technologies restricted from transfer shall file dossiers with the Ministry of Science and Technology for approval.

Technology transferees (in case of transfer of technologies from abroad into Vietnam or within the country) or technology transferors (in case of transfer of technologies from Vietnam abroad) will be on behalf of the contracting parties to send a dossier for technology transfer approval to the Ministry of Science and Technology for technology transfer approval.

**Article 2.** Effect and implementation responsibility

1. This Decree takes effect on January 01, 2012.
2. Ministers, Heads of ministerial level agencies, Heads of Governments agencies, Chairman of Peoples Committees in provinces, cities under the central governments management shall be responsible to implement this Decree.

*For the Government*

*Prime Minister*

NGUYEN TAN DUNG