

Decree No. 147/2024/ND-CP – New Regulations on the Management, Provision, and Use of Internet Services and Online Information

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Decree No. 147/2024/ND-CP ("**Decree 147**") was officially ratified by the National Assembly of Vietnam on November 9, 2024. It comes into effect as of December 25, 2024, and will repeal the following documents: (i) Decree No. 72/2013/ND-CP dated July 15, 2013; (ii) Decree No. 27/2018/ND-CP dated March 1, 2018, amending and supplementing certain articles of Decree No. 72/2013/ND-CP dated July 15, 2013; (iii) Article 2 of Decree No. 150/2018/ND-CP dated November 7, 2018.

Specifically, **Decree 147** provides detailed regulations on all matters related to the management, provision, and use of Internet services and online information. Moreover, due to the development of society and the public's increasing demand for using online shopping platforms, for communication, and entertainment purposes, Decree 147 has also updated the latest trends such as livestream, which mainly focuses on information provision, intellectual property rights, etc.

1. Scope

The scope of regulation has changed, notably removing the "ensuring information security and information safety" from the scope of Decree 147, which differs from Decree No. 72/2013/ND-CP ("Decree 72"). This removal is explained by the introduction of the Cybersecurity Law 2018 and the Law on Information Security 2015, which was promulgated after

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Decree 72. As a result, issues related to ensuring information security and safety will be referred to these two laws by Decree 147, rather than being directly regulated as in Decree 72.

Additionally, compared to Decree 72, Decree 147 incorporates "online games" into the chapter on "management, provision and use of online information" and elevates the "provision of information content services on mobile telecommunications networks" to a separate chapter. This restructuring also creates changes in the scope of the application.

Finally, Decree 147 introduces an entirely new section—Chapter 5, titled "Monitoring Information and Preventing and Removing Unlawful Online Information." This chapter outlines the responsibilities of state agencies, organizations, and individuals, both domestic and international, in monitoring and removing unlawful information online. Decree 147 also expands the definitions provided, increasing the total to 45 items compared to the 24 items under Decree 72.

2. Key Updates in the Management, Provision, and Use of Internet Services and Resources

Decree 147 introduces significant changes compared to Decree 72 in the regulation of internet services and resources. Articles 6 and 7 of Decree 72, which mandated licensing requirements and specified the rights and obligations of internet service providers, have been removed, eliminating the need for companies to obtain a license to offer internet services. Instead, enterprises must meet operational conditions under Article 5 and comply with the responsibilities outlined in Article 6 of Decree 147.

In terms of internet resources, Decree 147 provides comprehensive regulations on the registration, usage, and modification of domain names, whereas Decree 72 only addressed domain name registration with further details provided in a separate circular. Notably, Decree 147 introduces Article 10, which emphasizes the protection of national interests in the registration and use of new gTLDs and second-level domains, while also including provisions on domain name registration and maintenance services, as well as the issuance and revocation of internet addresses and network identifiers. A distinct addition is Article 12, which sets detailed rules for providing domain name registration and maintenance services. However, unlike Consolidated Text No. 02/VBHN-BTTTT under Decree 72, which explicitly prohibited reselling internet services, Article 7 of Decree 147 does not address this responsibility. These updates reflect a significant shift and expansion in the regulatory framework for internet services and resources.

3. Key Updates in the Management, Provision, and Use of Online Information

3.1. Website classification

Website classification is clearly stipulated in Article 20 of Decree 72 and Decree 147. However, there are noticeable distinctions when we compare Article 20 of Decree 72 and Article 20 of Decree 147 on the classification of websites. To be more specific, Decree 72 classifies websites into five categories, including electronic newspapers, general websites, internal websites, personal websites, and specialized application sites. However, Decree 147 expands this classification to seven categories, introducing "electronic magazines," "social network service sites," and "electronic portals" as distinct types. Additionally, it redefines the category of specialized application sites as "websites

providing specialized services." Therefore, Decree 147 reflects a broader recognition of different online services and types of content, addressing the evolving nature of information technology and the increased variety of digital platforms.

3.2. Enhanced regulations on the Management, Provision and Use of Online Information

Decree 147 introduces more comprehensive and stringent regulations on the management, provision, and use of online information compared to Decree 72. Article 21.1 of Decree 147 expands the scope of regulated online content by explicitly including intellectual property alongside electronic journalism, publishing, and advertising. It also strengthens requirements for personal websites, internal websites, and specialized services, aligning them more closely with internet resource registration and specialized legal frameworks, which were not as detailed in Decree 72. Additionally, Article 21.6 of Decree 147 stipulates that all entities—organizations, enterprises, and individuals—are responsible for the information they store, transmit, or disseminate online, with Article 21.8 emphasizing confidentiality obligations concerning state secrets. In contrast, Decree 72 only mentions organizations and individuals, omitting enterprises and providing less emphasis on confidentiality. User privacy provisions are simplified under Article 21.7 of Decree 147, which prohibits service providers from disclosing user information without consent or authorized requests, removing the previous allowance for information sharing between organizations for billing or compliance purposes. Furthermore, Article 21.8 reinforces data security requirements, mandating that all entities must encrypt state secrets stored or transmitted online, while Decree 72 only provided general guidelines for encryption. Overall, Decree 147 reflects a significant advancement in regulatory detail, incorporating intellectual property,

stricter user privacy protections, and more robust confidentiality measures.

3.3. Differences in the Validity Duration of a License to Establish an Aggregated Information Website or a Social Network

Article 23.6 of Decree 72 stipulates that the validity duration of a license to establish an aggregated information website or a social network must not exceed 10 years. However, in Article 24.7 of Decree 147, the validity duration of a license to establish an aggregated information website or a social network must not exceed 05 years. This is a striking distinction between the two decrees, as the validity duration of the license has decreased to only half of what it previously was.

3.4. Comprehensive Changes in the Management of Websites, Social Networks, and Live Streaming

Decree 147 introduces significant enhancements to the regulatory framework for websites and social media platforms compared to Decree 72. While Decree 72 focused primarily on the rights and obligations of organizations, businesses, and social network users, Decree 147 establishes comprehensive new provisions. It includes detailed principles for managing information websites, conditions for establishing general information websites and social networks, domain naming requirements, and content management rules. Article 25 outlines stringent conditions for setting up websites or social networks, such as legal registration, technical standards, and server localization. Article 26 mandates the use of “.vn” domains and prohibits names that mimic press agencies. Article 27 sets out staffing and infrastructure standards, requiring Vietnamese nationals for content management and secure data storage within Vietnam. Article 28 provides robust

guidelines for content verification, user agreement posting, and measures to protect user information and minors. Notably, Decree 147 replaces the term "license to establish a social network" with "license to provide social network services" and introduces the concept of "Confirmation of notification for providing social network services" in Article 31. Additionally, Article 24.6(d) introduces a groundbreaking regulation on live streaming, stipulating that only licensed social networks can offer live streaming or revenue-generating activities. This term and its associated regulations were entirely absent in Decree 72, reflecting a broader and more stringent regulatory approach under Decree 147.

3.5. Social Media Account Verification

A notable highlight of Decree No. 147 is the mandatory verification of social media accounts starting from December 25, 2024, as specifically stipulated in Article 23.3(e) and Article 27.3(b). Specifically, social media users (including users of domestic and cross-border platforms) are required to verify their social media accounts using their registered mobile phone numbers in Vietnam. Account holders must verify their accounts via a mobile number unless they confirm that they do not possess a mobile number in Vietnam. Accounts using live-streaming features for commercial purposes must be verified with their personal identification number. Moreover, pursuant to Articles 23.3(e) and Article 27.3(b), only social media users with verified accounts are permitted to post information (such as drafting articles, commenting, or live streaming) and share information on social media platforms. If the social media user is a child under 16 years old, the child's parent or legal guardian under civil law is obligated to register the account using their own information and bear responsibility for supervising and managing the content accessed, posted, and shared by the child on social media.

At present, many people with malicious intent have exploited social media by creating fake accounts to steal information, commit fraud, or disseminate harmful content, thereby negatively affecting security, and violating social order, governance, and legal regulations. Therefore, the new regulations on account verification are deemed essential, as they aim to deter and address fraudulent activities, the spread of false information, and violations of laws, and to protect children from encountering harmful contents on social media platforms.

3.6. Clear Age-Based Classification and Licensing Framework for Online Games

Decree 147 introduces significant advancements in regulating online games compared to Decree 72, particularly in the classification of games by players' ages and the licensing framework for online gaming services. While Decree 72 lacked explicit provisions on age-based game classification—leaving it to be guided by Circular 24/2014/TT-BTTTT—Article 38 of Decree 147 clearly defines this requirement and the responsibilities of businesses in ensuring compliance. Article 37.2(a) further emphasizes that businesses must classify games according to players' ages as stipulated in Section 1 of the article. Additionally, Decree 147 outlines a detailed framework for granting licenses to provide online gaming services (G1 games). Article 39 specifies conditions for obtaining a license, such as legal establishment in Vietnam, financial and technical capability, and robust measures for user protection, especially for minors. The license is valid for up to 10 years, with clear conditions for revocation. Articles 40 and 41 elaborate on the required application documents and the licensing process, which includes submission, review, and approval by the Ministry of Information and Communications within 20 days.

3.7. Enhanced Player Protection and Regulatory Measures

Notable improvements regarding player information, virtual items, virtual currency, and reward points, particularly in Articles 56 and 57 are crucial for protecting players' rights and ensuring data security, especially given the rapid growth of online gaming services and technology. Article 56 emphasizes the need for players to provide accurate information and have control over their personal data, with additional protections for minors. This provision addresses the risks of personal data misuse, such as identity theft or malicious exploitation. Article 57, on the other hand, focuses on managing virtual items and reward points, regulating transactions to prevent fraud and the conversion of virtual assets into real money. This regulation helps protect online gaming companies and prevents illegal financial activities. Additionally, both articles aim to encourage lawful behavior and maintain a fair gaming environment, thus safeguarding both players and service providers from legal risks.

Another significant difference between Decree 72 and Decree 147 is the expanded scope of regulations in Article 54 of Decree 147. While Article 34 of Decree 72 broadly covers the rights and obligations of online gaming service providers, Article 54 introduces more specific and detailed provisions, addressing modern concerns such as intellectual property, cybersecurity, child protection, game card management, and secure payment systems. It also mandates compliance with the Intellectual Property Law and the Cybersecurity Law, along with measures to protect children's online safety, manage game cards, and ensure secure payment transactions. These updates reflect the growing challenges in the online gaming industry and emphasize a more comprehensive and protective regulatory framework in Decree 147.

4. Enhanced Regulations and Responsibilities for Mobile Telecommunications Content Services

Decree 147 provides more detailed regulations than Decree 72 regarding the provision of information content services on mobile telecommunications networks. It offers clear definitions and specifies operational conditions for various types of specialized information content services, such as free call services and services tied to mobile internet access. Decree 147 introduces a new license called the "Certificate of Registration for Connection to Provide Information Content Services on Mobile Telecommunications Networks" and references the 2023 Telecommunications Law.

Regarding the allocation of responsibilities, Decree 147 retains the provisions regarding the responsibilities of (i) organizations and enterprises providing information content services on mobile telecommunications networks, (ii) mobile telecommunications enterprises, and (iii) users of information content services on mobile telecommunications networks as Decree 72. However, under Decree 147, (i) and (ii) bear significantly more responsibilities compared to Decree 72. For instance, regarding (i), they are required to ensure that users can opt out of services, cancel services, access transaction histories of fee deductions, ensure advertising content compliance, store information, etc., which were not stipulated in Decree 72. In terms of responsibilities of (ii), (ii) is responsible for sending notifications to subscribers on the 25th of each month to inform users about the content services they are using, etc. Moreover, Decree 147 also introduces two new provisions on complaint resolution and reporting requirements for the organizations and enterprises to the Telecommunications Authority or the local Department of Information and Communications.

5. Introduction of Monitoring and Illegal Content Removal

Chapter 5 of Decree 147 introduces new provisions on monitoring information, and preventing, and removing illegal content from the internet, marking a significant departure from Decree 72, which did not include specific guidelines on these matters. This chapter outlines the responsibilities of organizations and enterprises in complying with directives from state agencies such as the Ministry of Information and Communications and the Ministry of Public Security. It mandates the implementation of technical systems for monitoring, blocking, and removing illegal information from the network, as well as providing necessary data to authorities when requested. These provisions strengthen the regulatory framework for Internet governance, focusing on more proactive measures for combating online illegal activities.

6. Transitional Provisions

Decree 147 introduces transitional provisions through Article 82, which provides a clear framework for transitioning from the old to the new regulatory framework. These provisions offer flexibility and clarity by allowing existing licenses for general information websites, social network services, and online games to remain valid until their expiration dates. Entities are given a 90-day grace period to comply with new reporting and licensing requirements, ensuring a smooth transition.

In conclusion, Decree 147 has marked a major development in Vietnam's regulatory framework for managing, providing, and using internet services and online information, effectively replacing outdated provisions in Decree 72.

The new provisions in Decree 147 have covered a broader scope, incorporating more aspects including social media account verification, live streaming regulations, age-based classification for online games, and enhanced player protections, which aim to address the demands of social and technological advancements. By aligning with specialized laws like the Cybersecurity Law and introducing new chapters on monitoring and removing illegal content, Decree 147 ensures a safer and more comprehensive digital ecosystem while safeguarding users, balancing innovation, and ensuring compliance with international standards.