

## DOCTORAL DISSERTATION INFORMATION

Name of dissertation:

### **COPYRIGHT PROTECTION FOR COMPUTER PROGRAMS UNDER VIETNAMESE LAWS**

Major: Economic Law

Major's code: 62380107

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Educational Institution: University of Economics and Law (VNU-Ho Chi Minh)

### **1. SUMMARY OF DISSERTATION**

The dissertation analyzes the theory on the protection of computer programs. Compared to other forms of protection such as patents or trade secrets, copyrights' protection of computer programs is more advanced. This dissertation also points out the connotation and basic principles of protection of computer programs by copyright regulations that balance the stakeholders' benefits and encourage the development of computer programs. From that result, this thesis develops into two contents (1) analyzes the copyright exemptions in the protection of computer programs; and (2) analyzes infringement acts, factors that affected the enforcement of copyright to computer programs, suggests solutions to improve the enforcement of copyright for computer programs thereby.

### **2. NEW RESULTS OF THE DISSERTATION**

Clarifying the fundamental differences between the computer programs and other written works and affirming the advantages of copyright protection compared to other intellectual property rights such as patents and trade secrets. Explaining the necessity of protecting computer programs by copyright regulations, it is necessary to harmonize the legitimate interests of related parties in computer programs. Indicating the factors protected under copyright regulations and those not regarding computer programs—proposing solutions to amend the law on applying the selection of protection factors when the ideas and expressions of computer programs are merged. Proposing to amend the law on limitation of protection computer programs' rightsholders when resume the codes to ensure the interaction with other computer programs, and the copyright limitation with the authors' rights in the integrity works—clarifying the norm and implementation's connotation of enforcement of copyright to computer programs. The dissertation provides content to ensure the harmony of interests of the stakeholders through the principle of avoiding copyright abuse in the process of implementing

international law. Identifying factors that affect copyright for computer programs, recommendations to improve enforcement efficiency in Vietnam are given, such as perfecting the legal system, concurrent on copyright prices, increasing the use of open-source codes, and enhancing the activities of software copyright agencies in Vietnam.

### **3. PRACTICAL APPLICATIONS / IMPLEMENTATION ABILITIES OR ISSUES REQUIRING FURTHER RESEARCH**

#### **3.1. Practical applications**

*For the authority competent:* Dissertation's recommendations are meaningful in providing the necessary researching document that helps the dispute-settlement agencies understand the nature of computer programs. From that understanding, copyright regulations can be effectively applied to computer programs.

*For legal makers:* the views expressed in the dissertation can be the necessary source of reference document for legislators so that it can be considered when the IP law is under the revise or can be used in the legal instruction documents.

*For legal researchers,* the dissertation has scientifically explained and clarified the remaining unresolved issues of other works related to protecting intellectual property for computer programs.

#### **3.2. Issues requiring further research**

In addition to the issues that have been thoroughly resolved, the dissertation also remains unsolved issues such as assessment of copyright infringement on computer programs, infringement of copyright on computer programs which includes foreign factors, determining the damage of copyright when computer programs are infringed.

**ACADEMIC SUPERVISORS**

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**Truong Thi Tuong Vi**

**CONFIRMATION OF THE EDUCATIONAL INSTITUTION**

