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1. 討議議事録 (R/D)

RECORD OF DISCUSSIONS BETWEEN JAPANESE
IMPLEMENTATION STUDY TEAM AND
AUTHORITIES CONCERNED OF THE GOVERNMENT OF
THE SOCIALIST REPUBLIC OF VIETNAM
ON JAPANESE TECHNICAL COOPERATION
FOR MODERNIZATION OF INDUSTRIAL PROPERTY ADMINISTRATION PROJECT

The Japanese Implementation Study Team organized by Japan International Cooperation Agency and headed by Mr. Sato (hereinafter referred to as "the Team"), visited the Socialist Republic of Vietnam from December 7, 1999 to December 16, 1999 for the purpose of working out the details of the technical cooperation program concerning the Modernization of Industrial Property Administration Project in the Socialist Republic of Vietnam.

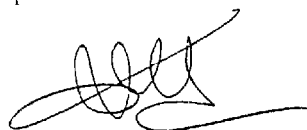
During its stay in the Socialist Republic of Vietnam, the Team exchanged views and had a series of discussions with the Vietnamese authorities concerned with respect to desirable measures to be taken by both Governments for the successful implementation of the above-mentioned Project.

As a result of the discussions, and in accordance with the provisions of the Agreement on Technical Cooperation between the Government of Japan and the Government of the Socialist Republic of Vietnam, signed in Hanoi on October 20, 1998 (hereinafter referred to as "the Agreement"), the Team and the Vietnamese authorities concerned agreed to recommend to their respective Governments the matters referred to in the document attached hereto.

Hanoi, December 15, 1999

佐藤 達夫

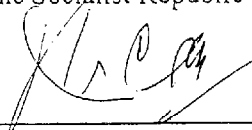
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ATTACHED DOCUMENT

I. COOPERATION BETWEEN BOTH GOVERNMENTS

1. The Government of the Socialist Republic of Vietnam will implement the Modernization of Industrial Property Administration Project (hereinafter referred to as "the Project") in cooperation with the Government of Japan.
2. The Project will be implemented in accordance with the Master Plan which is given in Annex I.

II. MEASURES TO BE TAKEN BY THE GOVERNMENT OF JAPAN

In accordance with the laws and regulations in force in Japan and the provisions of article III of the Agreement, the Government of Japan will take, at its own expense, the following measures through Japan International Cooperation Agency (hereinafter referred to as "JICA") according to the normal procedures under the Technical Cooperation Scheme of Japan.

1. DISPATCH OF JAPANESE EXPERTS

The Government of Japan will provide the services of the Japanese experts as listed in Annex II.

2. PROVISION OF MACHINERY AND EQUIPMENT

The Government of Japan will provide such machinery, equipment and other materials (hereinafter referred to as "the Equipment") necessary for the implementation of the Project as listed in Annex III. The provisions of Article VIII of the Agreement will be applied to the Equipment.

3. TRAINING OF VIETNAMESE PERSONNEL IN JAPAN

The Government of Japan will receive Vietnamese personnel connected with the Project for technical training in Japan.

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III. MEASURES TO BE TAKEN BY THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

1. The Government of the Socialist Republic of Vietnam will take necessary measures to ensure self-reliant operation of the Project during and after the period of Japanese technical cooperation, through the full and active involvement of all related authorities, beneficiary groups and institutions in the Project.
2. In accordance with the provisions of Article IV of the Agreement, the Government of the Socialist Republic of Vietnam will ensure that the technologies and knowledge acquired by the Vietnamese nationals as a result of Japanese technical cooperation will contribute to the economic and social development of the Socialist Republic of Vietnam.
3. In accordance with the provisions of Article VI of the Agreement, the Government of the Socialist Republic of Vietnam will grant in the Socialist Republic of Vietnam, privileges, exemptions and benefits as listed in Annex IV and will grant privileges, exemptions and benefits no less favorable than those granted to experts of third countries or international organizations performing similar missions to the Japanese experts referred to in II-1 above and their families.
4. In accordance with the provisions of Article VIII of the Agreement, the Government of the Socialist Republic of Vietnam will ensure that the Equipment referred to in II-2 above will be utilized effectively for the implementation of the Project in consultation with the Japanese experts referred to in Annex II.
5. The Government of the Socialist Republic of Vietnam will take necessary measures to ensure that the knowledge and experience acquired by the Vietnamese personnel through technical training in Japan will be utilized effectively in the implementation of the Project.
6. In accordance with the provisions of Article V of the Agreement, the Government of the Socialist Republic of Vietnam will take necessary measures to provide at its own expense for the Project:
 - (1) Services of the Vietnamese counterpart personnel and administrative personnel as listed in Annex V;
 - (2) Land, buildings and facilities as listed in Annex VI;

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- (3) Supply or replacement of machinery, equipment, instruments, vehicles, tools, spare parts and any other materials necessary for the implementation of the Project other than the Equipment provided through JICA under II-2 above;
 - (4) Means of transport and travel allowances for the Japanese experts for official travel within the Socialist Republic of Vietnam; and
 - (5) Assistance to find suitably furnished accommodations for the Japanese experts and their families.
7. In accordance with the provisions of Article VIII of the Agreement, the Government of the Socialist Republic of Vietnam will take necessary measures to meet:
- (1) Expenses necessary for transportation within the Socialist Republic of Vietnam of the Equipment referred to in II-2 above as well as for the installation, operation and maintenance thereof;
 - (2) Customs duties, internal taxes and any other charges imposed in the Socialist Republic of Vietnam on the Equipment referred to in II-2 above; and
 - (3) Running expenses necessary for the implementation of the Project.

IV. ADMINISTRATION OF THE PROJECT

- 1. The Director General of the National Office of Industrial Property, Ministry of Science, Technology and Environment, as the Project Director, will bear overall responsibility for the administration and implementation of the Project.
- 2. The Director of Japan/Vietnam Industrial Property Project Management Unit, as the Project Manager, will be responsible for the managerial and technical matters of the Project.
- 3. The Japanese Chief Advisor will provide necessary recommendations and advice to the Project Director and the Project Manager on any matters pertaining to the implementation of the Project.
- 4. The Japanese experts will provide necessary technical guidance and advice to the Vietnamese counterpart personnel on technical matters pertaining to the implementation of the Project.

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5. For the effective and successful implementation of technical cooperation for the Project, a Joint Coordinating Committee will be established whose functions and composition are described in Annex VII.

V. JOINT EVALUATION

Evaluation of the Project will be conducted jointly by the two Governments through JICA and the Vietnamese authorities concerned, at the middle and during the last six months of the cooperation term in order to examine the level of achievement.

VI. CLAIMS AGAINST JAPANESE EXPERTS

In accordance with the provisions of Article VII of the Agreement, the Government of the Socialist Republic of Vietnam shall bear claims, if any arise, against the Japanese experts engaged in technical cooperation for the Project resulting from, occurring in the course of, or otherwise connected with the discharge of their official functions in the Socialist Republic of Vietnam except for those arising from the willful misconduct or gross negligence of the Japanese experts.

VII. MUTUAL CONSULTATION

There will be mutual consultation between the two Governments on any major issues arising from, or in connection with, this Attached Document.

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VIII. MEASURES TO PROMOTE UNDERSTANDING OF AND SUPPORT FOR THE PROJECT

For the purpose of promoting support for the Project among the people of the Socialist Republic of Vietnam, the Government of the Socialist Republic of Vietnam will take appropriate measures to make the Project widely known to the people of the Socialist Republic of Vietnam.

IX. TERM OF COOPERATION

The duration of technical cooperation for the Project under this Attached Document will be four (4) years from April 1, 2000.

ANNEX I	MASTER PLAN
ANNEX II	LIST OF JAPANESE EXPERTS
ANNEX III	LIST OF MACHINERY AND EQUIPMENT
ANNEX IV	PRIVILEGES, EXEMPTIONS AND BENEFITS FOR JAPANESE EXPERTS
ANNEX V	LIST OF VIETNAMESE COUNTERPART AND ADMINISTRATIVE PERSONNEL
ANNEX VI	LIST OF LAND, BUILDINGS AND FACILITIES
ANNEX VII	JOINT COORDINATING COMMITTEE

MASTER PLAN

1. Overall Goal
NOIP is able to grant industrial property rights more promptly with increased accuracy.
2. Project Purpose
The Industrial Property Administration process is facilitated in NOIP.
3. Outputs of the Project
 - (1) The Project operation unit will be enhanced and operated efficiently.
 - (2) The appropriate machinery and equipment to integrate industrial property information will be set, operated and maintained appropriately.
 - (3) The maintenance staff of the computer system will be developed to conduct proper administration.
 - (4) The management staff of Industrial Property administration will be developed to conduct adequate administration.
 - (5) The application, formality examination, substantial examination, registration, publication, licensing, and legislation staff will be developed to conduct proper administration.
4. Activities of the Project
Necessary activities to achieve the above-mentioned outputs will be conducted.

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ANNEX II (R/D)

LIST OF JAPANESE EXPERTS

1. Chief Advisor
2. Coordinator
3. Industrial Property Administration
4. Computer System

Note: Other experts in the specific fields of technology may be dispatched, if necessary.

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ANNEX III (R/D)

LIST OF MACHINERY AND EQUIPMENT

1. One set of equipment needed for building databases and establishing computer networking capabilities.
2. Other machinery, equipment and materials regarded as necessary for the effective and smooth implementation of the Project by both sides.

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ANNEX IV (R/D)

PRIVILEGES, EXEMPTIONS AND BENEFITS FOR JAPANESE EXPERTS

1. The Government of the Socialist Republic of Vietnam will grant exemptions from income tax and other charges of any kind imposed on or in connection with allowances remitted from abroad.
2. The Government of the Socialist Republic of Vietnam will grant exemptions from customs duties with respect to importation of personal effects by the Japanese experts and their families, as well as importation of machinery and equipment for their activities.

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LIST OF VIETNAMESE COUNTERPART AND
ADMINISTRATIVE PERSONNEL

1. Counterpart Personnel
 - (1) Project Director
 - (2) Project Manager
 - (3) Technical Counterparts
2. Administrative Personnel
 - (1) Administrative Staff
 - (2) Technical Supporting Staff
 - (3) Secretaries / Typists
 - (4) Clerks
 - (5) Drivers
 - (6) Other supporting staff necessary for the implementation of the Project

Note: Secretaries, typists and drivers for the Japanese experts will be assigned by the Government of the Socialist Republic of Vietnam from the allocated budget for the Project according to Vietnamese regulations.

ANNEX VI (R/D)

LIST OF LAND, BUILDINGS AND FACILITIES

The following will be prepared by the Government of the Socialist Republic of Vietnam for the implementation of the Project.

- (1) Japanese Chief Advisor's room
- (2) Room for Japanese Experts and Vietnamese Counterpart personnel
- (3) Conference room
- (4) Store rooms
- (5) Other facilities necessary for the implementation of the Project

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JOINT COORDINATING COMMITTEE

1. Functions

The Joint Coordinating Committee meeting will be held at least once a year and whenever necessity arises in order to fulfill the following functions:

- (1) To formulate the Annual Plan of Operations (APO) of the Project based on the Tentative Schedule of Implementation (TSI) and Plan of Operations (PO) within the framework of the Record of Discussions,
- (2) To coordinate necessary actions to be taken by both sides,
- (3) To review the overall progress of the PO as well as the achievement of the APO, and
- (4) To exchange opinions on major issues that arise during the implementation of the Project.

2. Composition

(1) Chairperson

Director General of NOIP

(2) Committee Members

(Vietnamese Side)

a. Representative(s) of NOIP

b. Other personnel concerned with the Project designated by the Vietnamese side

(Japanese Side)

a. Chief Advisor

b. Coordinator

c. Japanese Experts designated by the Chief Advisor

d. Representative(s) of the JICA Office in the Socialist Republic of Vietnam

e. Other personnel concerned to be designated and dispatched by JICA, if necessary

Note : Official(s) of the Embassy of Japan in the Socialist Republic of Vietnam may attend the Committee as observer(s).