

July 18, 2026

Authority of Broadcasting, Television and Electronic Information
Ministry of Culture, Sports and Tourism
Hanoi, Socialist Republic of Vietnam

**RE: Comments of the Association for Competitive Technology (ACT) on the Draft Decree
Amending and Supplementing a Number of Articles of Decree No. 147/2024/ND-CP on
the Management, Provision, and Use of Internet Services and Online Information**

Dear Sir or Madam:

In response to the public consultation on the draft Decree amending and supplementing a number of articles of Decree No. 147/2024/ND-CP on the management, provision, and use of internet services and online information (the Draft Decree), issued by the Ministry of Culture, Sports and Tourism through the Authority of Broadcasting, Television and Electronic Information (the Authority),¹ the Association for Competitive Technology (ACT) respectfully submits these comments. ACT shares the Government of Vietnam's interest in a safe, vibrant, and culturally rich online environment, and we appreciate Vietnam's ambition to grow its digital content and video game sector into a leading cultural industry.

ACT submits these focused comments to call for the removal of the licensing and certification regime the Draft Decree would establish for online video games and for the digital platforms that allow users to create and distribute them. As explained below, Vietnam's legitimate objectives can be achieved through proportionate, accountability-based measures that do not require prior government authorization to publish a game or to operate a platform, and that keep the Vietnamese market open to the small developers who build much of the content that Vietnamese users enjoy.

I. Statement of Interest

ACT is a global policy trade association for the small business technology developer community. Our members are entrepreneurs, innovators, and independent developers within the global digital economy that engage with verticals across every industry, including in Vietnam and across Southeast Asia. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build technology. The digital economy that ACT's members help drive is valued at

¹ Ministry of Culture, Sports and Tourism, Authority of Broadcasting, Television and Electronic Information, public consultation on the Draft Decree amending and supplementing a number of articles of Decree No. 147/2024/ND-CP (2026). Information on the Authority and its consultations is available at <https://abei.gov.vn>.

approximately \$1.8 trillion and serves as a key driver of the \$8 trillion internet of things (IoT) revolution.²

Many of the small developers ACT represents build the applications and services (including online video games) that individuals, families, and businesses across Vietnam rely upon every day, and they reach Vietnamese consumers through cross-border app stores and a range of other distribution channels and creation platforms. ACT is deeply engaged in the global conversation over how digital trade, online platforms, and content services should be governed, including through our engagement with Vietnam and other regulators across the Asia-Pacific region. ACT believes that Vietnam's legitimate public policy goals, including the protection of children, the integrity of online content, and the promotion of Vietnamese culture, deserve effective and durable protection. However, the measures adopted to deliver those goals should be proportionate, technology-neutral, and workable for the small businesses that make up the digital economy, so that public protection and innovation reinforce one another as Vietnam's digital economy grows.

II. Prior Licensing and Certification to Publish an Online Game Is Disproportionate and Should Be Removed

ACT recognizes the important public interests that inform the Draft Decree, including the protection of children online, the integrity of online content, and the Government's commendable goal of developing Vietnam's digital content and video game industry. While ACT supports each of those objectives, our concern lies with the Draft Decree's proposal to require prior government authorization at two distinct levels before a game may reach Vietnamese users:

- At the level of individual games, the amended Article 37 would allow a business to release a G1 online video game only when it holds a Decision to release that game, and to release G2, G3, and G4 games only when it holds a Certificate of Notification for their release. Those instruments follow content appraisal by appraisal councils and the procedures set out in Articles 44, 45, and 52 of Decree No. 147/2024/ND-CP.
- At the level of platforms, the new Article 37c would create a License to provide and manage a digital platform with features allowing users to create and distribute video games. That license carries a detailed set of conditions, a required project proposal, a review period, and suspension and revocation procedures. The new Article 37d would further provide that such a platform may be provided in Vietnam only through a business established under Vietnamese law and legally authorized to manage and operate the platform in Vietnam, and Article 37c ties the life of the license to the duration of that arrangement.

A requirement to obtain a government license or certificate, together with content approval, before a game may be published is a significant barrier to entry that falls hardest on the small developer community. Prior authorization imposes cost, delay, and uncertainty before a developer earns a single unit of revenue, and requires the developer to navigate an approval process and an appraisal for each title. While large and well-resourced firms can absorb those burdens as a cost of doing business, small developers cannot and will be forced to decline to enter the Vietnamese market at all. The result is fewer choices for Vietnamese consumers, reduced competition and innovation, and a weaker domestic ecosystem, which is the opposite of the outcome the Draft Decree seeks. A

² Association for Competitive Technology (ACT), State of the App Economy, available at <https://actonline.org/wp-content/uploads/APP-Economy-Report-FINAL-1.pdf>.

licensing regime that keeps legitimate games, and the platforms that carry them, out of the Vietnamese market also tends to push consumers toward unlicensed and unlawful alternatives, which harms the legitimate market that small developers and other rights holders depend on and works against Vietnam's own goals of consumer protection and a healthy domestic industry.

These burdens grow heavier under the proposed duration limits, because tying a publishing authorization to a fixed term and requiring an amendment whenever the content of a game changes fits poorly with modern software, which is updated continuously. A developer that improves or expands a live game should not have to return to a licensing authority to keep that game lawfully available. ACT respectfully recommends that the prior licensing and certification requirements for publishing online games, in the amended Article 37 and the related procedures in Articles 44, 45, and 52, be removed in favor of the proportionate, accountability-based approach described below.

III. The New Platform License in Article 37c Should Be Removed

The platform license introduced by Article 37c would impose prior government authorization on an entire category of general-purpose platforms, namely those that allow users to create and distribute video games. To obtain the license, an operator must satisfy an extensive list of conditions, submit a project proposal describing its operating model and content-management mechanisms, and remain subject to suspension and revocation. This treats open, user-generated platforms as though they were licensed broadcasters, a model that does not fit the way these services work or the diversity of small developers and creators who rely on them.

The practical effect of Article 37c would be to narrow the channels through which small developers reach Vietnamese consumers. Small developers depend on a range of creation and distribution platforms to publish their work and to find an audience. If those platforms must obtain and maintain a Vietnamese license, and if smaller or foreign platforms decline to do so or cannot satisfy every condition, the developers who publish through them lose access to the Vietnamese market along with the platform. This concern extends to the cross-border app stores and distribution services that carry the work of small developers into Vietnam, because obligations that treat those services as licensed gatekeepers narrow the routes through which independent developers reach consumers and raise the cost of serving the market for platforms and small developers alike.

The regime would also duplicate protections that Vietnam already has, because the country can reach unlawful content and conduct on these services through existing legal tools that include the Law on Cybersecurity, Vietnamese consumer protection law, and relevant administrative penalty frameworks. Layering a prior-authorization requirement on top of those tools adds cost and gatekeeping without a commensurate public benefit. ACT respectfully recommends that Article 37c, together with the conforming references to the platform license in the amended Article 37, be removed.

IV. The Local-Establishment Requirement in Article 37d Should Be Removed

Article 37d would allow a covered platform to be provided in Vietnam only through a business established under Vietnamese law and legally authorized to manage and operate the platform in Vietnam and Article 37c ties the platform license to the duration of that local arrangement, which amounts to a forced local establishment requirement that raises the cost of serving Vietnamese

users, restricts the set of platforms realistically available to Vietnamese developers and consumers, and disadvantages small developers abroad as well as the cross-border services they rely upon. A requirement of this kind sits in tension with Vietnam's digital trade commitments, including the Local Presence discipline in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which provides that Vietnam shall not require a supplier to establish or maintain a local enterprise or presence as a condition for supplying a service across borders, together with the open cross-border digital trade commitments in the CPTPP Electronic Commerce chapter and the European Union-Vietnam Free Trade Agreement.³ It is also difficult to reconcile with the Draft Decree's own stated ambition to attract investment in Vietnamese games and to launch Vietnamese products into international markets. Because openness operates in both directions, a market that becomes difficult for foreign platforms and cross-border services to enter is also a market from which Vietnamese developers find it harder to reach audiences abroad, which is the very outcome the Draft Decree says it wishes to avoid. ACT therefore respectfully recommends that the local-establishment and local-operator requirements in Article 37d be removed.

V. The Licensing Regime Would Discourage Developers Well Beyond Vietnam and Set a Harmful Precedent

When a significant market adopts a rule that a developer or a platform must obtain a government license and stand up a local establishment before games may be offered, the message received by the global developer community is that reaching users in that market now carries a gatekeeping cost that many small developers cannot bear. That message discourages investment and market entry, particularly the small developers that ACT represents who choose where to build and where to launch based on how open and predictable a market is.

The regime would also set a precedent that other governments may look to and replicate. Regulatory models diffuse across markets, and a licensing-and-localization approach in a market as important as Vietnam risks becoming a template that fragments the global marketplace into a patchwork of country-specific licensing regimes, each demanding its own local entity and its own prior approval. A single regime of this kind is a serious burden for small developers both in and outside of Vietnam, and a proliferation of them across many markets would place global distribution out of reach for all but the largest firms. That result would weaken the open, interoperable, cross-border distribution on which small developers depend, and it would undercut Vietnam's own goal of launching Vietnamese games into international markets, which relies on those same open channels remaining available in the other direction.

³ See Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Chapter 10 (Cross-Border Trade in Services), Article 10.6 (Local Presence), and Chapter 14 (Electronic Commerce), Articles 14.11 (Cross-Border Transfer of Information by Electronic Means) and 14.13 (Location of Computing Facilities). The CPTPP entered into force for Vietnam on January 14, 2019. See also European Union-Vietnam Free Trade Agreement, in force August 1, 2020. These commitments favor cross-border digital trade and discipline local-presence and localization requirements, subject to narrowly tailored public policy exceptions.

VI. Vietnam's Objectives Can Be Achieved Through Proportionate, Accountability-Based Measures

Setting aside the licensing regime would still leave Vietnam with meaningful oversight, because its legitimate goals can be met through measures that are proportionate, technology-neutral, and considerably less burdensome than prior authorization. Such measures include clear obligations to act on unlawful content once notified, transparency about content and moderation practices, accountability for developers and platforms according to their respective roles, online safety measures that are proportionate and privacy-preserving, and industry codes of conduct developed with stakeholders. Vietnam's existing laws, including the Law on Cybersecurity and consumer protection law, already provide enforcement authority against genuine and demonstrated harms. This accountability-based model protects children and the integrity of online content while keeping the market open to the small developers who drive innovation and choice. ACT would welcome the opportunity to serve as a resource to the Authority as it considers proportionate alternatives to the licensing regime.

VII. Conclusion

ACT appreciates the opportunity to comment and shares the Government of Vietnam's commitment to a safe, innovative, and culturally rich digital economy. Our recommendation is a single and focused one, which is that the licensing regime in the Draft Decree be removed, namely the prior licensing and certification requirements for publishing online games in the amended Article 37 and the related procedures in Articles 44, 45, and 52, the new platform license in Article 37c, and the local-establishment and local-operator requirements in Article 37d. Vietnam's objectives can be achieved through the proportionate, accountability-based measures described above, which will protect Vietnamese users effectively while preserving the ability of the small business technology developer community to build and deliver the games and services on which a thriving digital economy depends. We stand ready to serve as a resource to the Authority as it finalizes the Draft Decree.

Sincerely,



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