

Country Name	Project for Strengthening the Enforcement of Intellectual Property Rights in Viet Nam
Socialist Republic of Viet Nam	

I. Project Outline

Background	<p>In Viet Nam, the importance of protecting the Intellectual Property Rights (IPRs) had been recognized along with rapid industrial development, and the legal framework to prevent counterfeit products was strengthened by enactment of the Intellectual Property (IP) Law in 2005. JICA assisted Intellectual Property Office of Viet Nam (IP Viet Nam, here called IPVN)* with two technical cooperation projects titled “Modernization of Industrial Property Administration Project (2000-2004)” and “Utilization of Intellectual Property Information in Viet Nam (2005-2009)”, under which the computer system related to IPRs was developed and expanded. With the infrastructure of IPRs acquisition being operational/made available, it was time to pay due attention to strengthening the enforcement of IPRs.</p> <p>* Renamed from National Office of Intellectual Property (NOIP) in 2018.</p>										
Objectives of the Project	<p>The project aimed to improve the capacity of IPVN; through i) organizing training for the IPRs Enforcement Authorities*, ii) strengthening information sharing with the IPRs Enforcement Authorities, and iii) enhancing capacity for raising public awareness of IPRs; thereby strengthening the capacity of the IPRs Enforcement Authorities to enforce and protect Intellectual IPRs in Viet Nam.</p> <ol style="list-style-type: none"> Overall Goal: The capacity of concerned authorities to protect and to enforce Intellectual Property Rights (IPRs) is strengthened. Project Purpose: The capacity of IPVN to strengthen protection and enforcement of IPRs in Viet Nam is improved**. <p>* “IPRs Enforcement Authorities”, in this report, refer to the four authorities listed below, and mean the same as “concerned authorities to protect and to enforce IPRs”.</p> <p>** Among intellectual properties, the project mainly focuses on patent, trademark, industrial design, taking into consideration of IPVN’s competence.</p>										
Activities of the Project	<ol style="list-style-type: none"> Project Site: Hanoi Main Activities: i) To develop training materials and conduct training 12 times by 14 Master Trainers of IPVN and the four IPRs Enforcement Authorities; ii) To develop the system for information gathering and sharing between IPVN and the four IPRs Enforcement Authorities; and iii) To develop public awareness raising materials such as an animation, and to hold meetings with journalists, etc. Inputs (to carry out above activities) <table border="0"> <tr> <td>Japanese Side</td> <td>Vietnamese Side</td> </tr> <tr> <td>1) Experts: 10 persons (cumulative)</td> <td>1) Staff Allocated: 5 persons (cumulative)</td> </tr> <tr> <td>2) Trainees Received: 92 persons</td> <td>2) Office space</td> </tr> <tr> <td>3) Local costs (office and training equipment, IT system for information sharing, etc.)</td> <td>3) Local costs</td> </tr> </table>			Japanese Side	Vietnamese Side	1) Experts: 10 persons (cumulative)	1) Staff Allocated: 5 persons (cumulative)	2) Trainees Received: 92 persons	2) Office space	3) Local costs (office and training equipment, IT system for information sharing, etc.)	3) Local costs
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Project Period	June 2012-March 2017 (Extension: June 2015-March 2017)	Project Cost	(ex-ante) 124 million yen, (actual) 213 million yen								
Implementing Agency	<p>National Office of Intellectual Property of Viet Nam (NOIP), renamed to Intellectual Property Office of Viet Nam (IP Viet Nam, here called IPVN) in 2018.</p> <p>Cooperation Organizations (IPRs Enforcement Authorities)</p> <ol style="list-style-type: none"> Economic Police (EP), merged to Police Department investigating Corruption, Economic and Smuggling crimes (here called PDCES) in 2018. General Department of Customs (GDC) Inspectorate of Science and Technology (IST) Market Surveillance Agency (MSA), upgraded to General Department of Market Surveillance (DMS) in 2018. 										
Cooperation Agency in Japan	Japan Patent Office under Ministry of Economy, Trade and Industry; Japan Customs under Ministry of Finance										

II. Result of the Evaluation

<Constraints on Evaluation>

- Due to Coronavirus Disease (COVID)-19 pandemic, the evaluation judgement was made by analyzing information acquired by sending and collecting questionnaires, and through telephone interviews with officials concerned. Neither face-to-face interviews nor site visits were conducted.

<Special Perspectives Considered in the Ex-Post Evaluation>

- During the terminal evaluation of this project, the achievement of the Project Purpose (strengthening of IPVN’s capacity) was assessed through a questionnaire by Japanese Experts, IPVN and the four IPRs Enforcement Authorities. Since such manner of assessment cannot be replicated, this ex-post evaluation verified the continuation status of project effects by checking if the activities introduced by the project were still being continued by IPVN and the four IPRs Enforcement Authorities.
- There are two indicators set for the Project Purpose: i) Degree of knowledge acquisition by IPVN, and ii) Degree of resources/tools and working methodology of IPVN. Under this ex-post evaluation, the continuation of project effects was assessed under the two indicators together, since these indicators are interrelated.

¹ This project is under the account of a Japanese ODA Loan Project, “Poverty Reduction Support Credit”, which was implemented in phases of Development Policy Loans, i.e. loans to support Viet Nam to improve national policies and to carry out institutional reforms.

1 Relevance

<Consistency with the Development Policy of Viet Nam at the Time of Ex-Ante Evaluation>

The project was consistent with “Socio-Economic Development Strategy for the period of 2011 to 2020”, which emphasized that science and technology development was the key motivation for process of fast and sustainable development, and serious implementation of regulations on IPRs was required.

<Consistency with the Development Needs of Viet Nam at the Time of Ex-Ante Evaluation>

The project was consistent with development needs of Viet Nam for strengthening the enforcement of IPRs. Although IPVN had the overall responsibility on IPRs, enforcement of IPRs was under the jurisdiction of the four IPRs Enforcement Authorities. Under such situation, capacity development and effective information sharing were strongly needed among IPVN and the IPRs Enforcement Authorities. At the same time, awareness of firms and the general public on IPRs was not yet adequate, and raising public awareness was also needed to protect IPRs.

<Consistency with Japan’s ODA Policy at the Time of Ex-Ante Evaluation>

The project was consistent with “Country Assistance Program for Viet Nam (2009)”, including “Business Environment Improvement and Private Sector Development” under “Promotion of Economic Growth and Strengthening of International Competitiveness”. In addition, Vietnam-Japan Economic Partnership Agreement signed in 2008 listed the protection of IPRs as a priority.

<Evaluation Result>

In light of the above, the relevance of the project is high.

2 Effectiveness/Impact

<Status of Achievement of the Project Purpose at the time of Project Completion>

The project achieved its Project Purpose at the time of project completion. Through a questionnaire survey during the terminal evaluation, Japanese Experts, IPVN and the four IPRs Enforcement Authorities assessed that the degree of knowledge, resources/tools and working methodology of IPVN had been increased (Indicator 1 and 2). Regarding training, for example, IPVN facilitated 12 training courses conducted by Master Trainers² on a pilot basis. The course duration was two to four days and the cumulative number of participants was 913.

<Continuation Status of Project Effects at the time of Ex-post Evaluation>

The project effects have been continued till the time of ex-post evaluation, since activities under three Outputs, i.e. i) training, ii) information sharing, and iii) public awareness raising, have been implemented by IPVN together with the four IPRs Enforcement Authorities. Firstly, it is remarkable that training courses, with Master Trainers as main lecturers, have been conducted on a regular basis and expanded to provincial levels to cover more than 2,000 participants annually. For example, every year, IPVN conducts an in-depth six-month course on IP legal framework and skills to register rights for industrial design. Each of the four IPRs Enforcement Authorities has its own course specified for its mandates, such as enforcement against counterfeit goods (PDCES), and procedure of examining and handling IP infringement (DMS). Secondly, regarding information sharing, although the IT system³ under the project was hacked in 2017 and still under recovery, IPVN continues to regularly exchange information (such as IPR disputes and infringement cases) with the four IPRs Enforcement Authorities via Vietnam National Public Service Portal (allowing inter-ministerial exchange) and traditional methods such as meetings, emails and phones. Since the IT system was useful, IPVN has been recovering it, and trying to make it fully function in 2021⁴. Thirdly, public awareness raising activities are also being conducted by IPVN through: a) training as well as events such as technical festivals, business start-up seminars, conferences, etc.; and b) mass media by utilizing the network with journalists built under the project.

<Status of Achievement for Overall Goal at the time of Ex-post Evaluation>

The Overall Goal has been achieved. The number of infringement cases handled by the four IPRs Enforcement Authorities has been generally increasing. Regarding the recent decrease in handling cases by PDCES and DMS, IPVN considers it reflects decreasing infringement cases due to strengthened enforcement of IPRs (Indicator 1). Under this ex-post evaluation study, Japan External Trade Organizations (JETRO) and three Japanese companies were questioned about the IPRs enforcement in Viet Nam. All respondents evaluate that the capacity for IPRs enforcement has been strengthened, on the grounds that enforcement authorities handle more cases more quickly and efficiently in wider areas of the country (Indicator 2)⁵.

<Other Impacts at the time of Ex-post Evaluation>

According to PDCES and IST, the project has brought positive impact, particularly to set up a good network of Master Trainers to continue internal training, as well as enhancing strong collaboration among IPVN and the four IPRs Enforcement Authorities, thereby contributing to the achievement of the Overall Goal. On the other hand, no negative impacts have been observed.

<Evaluation Result>

Therefore, the effectiveness/impact of the project is high.

² Under the project, 14 Master Trainers from IPVN and each of the four IPRs Enforcement Authorities were trained, and they developed teaching materials and implemented the training courses for each authorities’ staff.

³ Introduction of an IT system was decided in January 2015, which was specifically designed for IPVN and the four IPR Enforcement Authorities to share information in a timely manner.

⁴ Right after the hacking of the IT system, IPVN identified how to recover the system, and tried to entrust the recovery work to the IT vendor who had developed the system. Also, IPVN attempted to integrate the system within a new project to upgrade IPVN’s overall IT system. Although neither measures were materialized, by August 2019, IPVN finally found an IT company to help restore the system.

⁵ The study also questioned about the aspects to be improved. With regards to GDC, it was recommended: i) to set a longer time (not current three working days) to apply for a customs injunction; and ii) to improve skills of GDC officers to reduce the cases to mistakenly stop genuine products.

Achievement of Project Purpose and Overall Goal

Aim	Indicators	Results																																												
<p>(Project Purpose) The capacity of IPVN* to strengthen protection and enforcement of Intellectual Property Rights (IPRs) in Viet Nam is improved.</p> <p>* Renamed from NOIP after project completion.</p>	<p>1. Degree of knowledge acquisition by IPVN concerning protection and enforcement to continue activities of each Output</p> <p>2. Degree of resources/tools and working methodology of IPVN to continue activities of each Output</p>	<p>Status of the Achievement for both Indicator 1 and 2: achieved (continued) (Project Completion) Through a questionnaire survey, Japanese Experts, IPVN and the four IPRs Enforcement Authorities assessed that “the degree of IPVN’s knowledge, resources/tools and working methodology” had increased.</p> <p>(Ex-post Evaluation) Activities under each Output introduced by the project have been continued as follows: Output 1) Number of Training Courses and Participants (annual average of 2018-2019)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">IPVN</th> <th style="text-align: center;">PDCES</th> <th style="text-align: center;">GDC</th> <th style="text-align: center;">IST</th> <th style="text-align: center;">DMS</th> </tr> </thead> <tbody> <tr> <td>No. of Training Courses/year</td> <td style="text-align: center;">16-23</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> </tr> <tr> <td>No. of Training Participants/year</td> <td style="text-align: center;">1,570</td> <td style="text-align: center;">120</td> <td style="text-align: center;">100</td> <td style="text-align: center;">300</td> <td style="text-align: center;">300</td> </tr> </tbody> </table> <p>Output 2) IPVN continues to facilitate information sharing with the four IPRs Enforcement Authorities, and attempts to recover the IT system which was hacked.</p> <p>Output 3) IPVN continues raising public awareness of IPRs.</p>		IPVN	PDCES	GDC	IST	DMS	No. of Training Courses/year	16-23	1	2	1	2	No. of Training Participants/year	1,570	120	100	300	300																										
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Source: Terminal Evaluation Report and other JICA documents, questionnaires and phone-interviews with/via IPVN about IPVN and the four IPRs Enforcement Authorities, and responses to questions (through emails) by JETRO and the staff in charge of IP in three Japanese companies.

3 Efficiency

Both the project cost and period significantly exceeded the plan (ratio against the plan: 172% and 158% respectively). This is mainly due to introduction of “IT system”, which was originally not included in the project, but through surveys and trials, the project confirmed its necessity and JICA made a contract with an IT vendor in January 2015. (At the time of ex-ante evaluation, “information sharing system” was defined as “framework to gather and provide information, including work flow, division of roles among related authorities, etc., which does not necessarily mean web system”.) The project’s Outputs were produced as planned, except the IT system added later. However, the project cost after deducting the contract amount with the IT vendor still exceeds the original project cost (143% against the plan). Moreover, regarding the project period, an issue of timely decision-making for introducing the IT system still remains. Therefore, the efficiency of the project is low.

4 Sustainability

<Policy Aspect>

“National Strategy on Intellectual Property Strategy (2019-2030)” was set forth in 2019, which aimed to (i) improve effectiveness and enforcement of State management over IP; (ii) improve and enhance effectiveness of IPRs enforcement; (iii) strengthen human resources for IP activities; and (iv) develop IP culture in the society. Aside from this strategy, there are several programs for anti-smuggling, etc. It is also notable that Viet Nam ratified the Hague Agreement, an international treaty on industrial designs, in December 2019.

<Institutional/Organizational Aspect>

Both IPVN and the four Enforcement Authorities sustain their institutions with sufficient members of staff, or with the plan to recruit more staff members. For example, in IPVN, 16 staff are assigned for training, and 22 for information sharing, which IPVN considers sufficient. It is notable that, in 2018, MSA set up a vertical system of market surveillance force, namely General Department of Market Surveillance, and strengthened its management over 63 branches in provinces and cities.

<Technical Aspect>

Both IPVN and the four Enforcement Authorities have maintained the necessary skills and knowledge, through their daily work and participating in domestic and foreign training courses. Master Trainers under the project keep conducting training, and share the obtained theory and skills to their colleagues during daily work. Training materials developed by the project have been utilized and updated to incorporate new regulations and typical cases. Also, the animation made under the project for public awareness raising is still being utilized at the time of training and events.

<Financial Aspect>

IPVN, PDCES and GDC utilize their recurrent expenditure for sustaining project effects, while DMS will have further budget in line with upgrading to the General Department of Market Surveillance⁶.

<Evaluation Result>

In light of the above, no problem has been observed in terms of the policy, institutional/organizational, technical and financial aspects. Therefore, the sustainability of project effects is high.

5 Summary of the Evaluation

The project achieved the Project Purpose (i.e. The capacity of IPVN to strengthen protection and enforcement of IPRs in Viet Nam is improved). The project effects have continued, and the Overall Goal (i.e. The capacity of the four IPRs Enforcement Authorities is strengthened.) has been achieved. Regarding the Sustainability, no major problems have been observed in terms of the policy, institutional/organizational, technical, and financial aspects. As for the Efficiency, both the project cost and period significantly exceeded the plan.

Considering all of the above points, this project is evaluated to be satisfactory.

III. Recommendations & Lessons Learned

Recommendations for Implementing Agency:

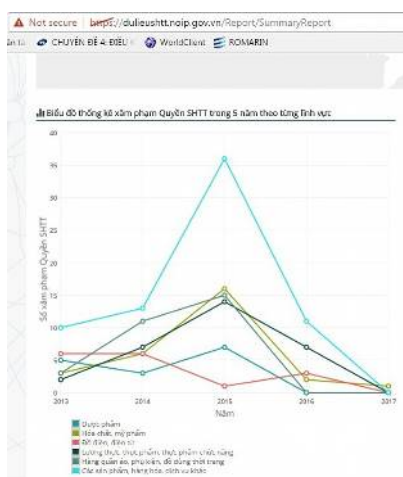
- It is recommended that IPVN make sure to implement its plan to recover the full function of the IT system for information sharing in 2021. For this task, IPVN needs to arrange its own budget and human resources, and to lead the discussion with the four Enforcement Authorities for loading back the hacked data and uploading the new data. The IT system was effective to promote and facilitate collaboration and information sharing. The IT system also costs time and money for both Vietnamese and Japanese sides, and IPVN committed to maintaining it accordingly.

Lessons Learned for JICA:

- Under the project, IT system was introduced but hacked in 2017. In general, IT system is quite costly to develop and maintain, and requires strong commitment from the counterpart agency. At the same time, IT system might be easily hacked and gets out-of-date, while difficult to recover or update. Therefore, JICA should not focus on IT system for planning technical cooperation projects, but rather pay attention to Japan’s comparative advantages of capacity building and technical transfer as well as experience sharing.
- Under the project, Master Trainers became a key resource to train the staff in IPVN and the four IPR Enforcement Authorities, which also assured project sustainability through self-conducted training courses by Master Trainers as well as forming a collaboration network among Master Trainers and among the five agencies. During the project, IPVN requested JICA to pay for Master Trainers’ overtime payment to develop the training materials from scratch, which became a big controversy between both parties. In JICA’s technical cooperation projects, it is good to develop the model of Master Trainers, but both parties need to have a common understanding that any payment for Master Trainers should come from the counterpart budget to assure sustainability. It is also important for JICA to request counterpart agencies to commit to maintaining Master Trainers as well as other outputs on their own cost and time, even after project completion.



Training by a Master Trainer



Analysis Data shared on the IT System (before being hacked)



Distributing IP Awareness Raising Materials during a Technology Festival

⁶ IST does not have a separate budget, and collaborate with IPVN.