

REGISTRATION FOR ESTABLISHING A WEBSITE TO PROVIDE E-COMMERCE TRADING FLOOR SERVICES

CONDITIONS

An e-commerce trading floor is an e-commerce website that allows traders, organizations, and individuals other than the website owner to conduct part or all the process of buying and selling goods and services on it. Currently, the law recognizes the following forms of operation of e-commerce trading floors:

- Website allows participants to open booths to display and introduce goods or services;
- Website allows participants to open accounts to carry out the process of entering into contracts with customers;
- The website has a buying and selling section, which allows participants to post information about buying and selling goods and services;
- Social networks have one of the regulated forms of activity listed above and participants directly or indirectly pay fees for carrying out those activities.

Establishing and operating an e-commerce trading floor will have differences between the forms of operation as well as differences between the website owners, accordingly, the legal procedures to register the operation of the e-commerce trading floor where the owner is a Vietnamese enterprise will be simpler than if the owner is a foreign-invested enterprise.

Enterprises managing e-commerce platforms need to ensure the following operating conditions:

- Register to establish a website to provide e-commerce trading floor services according to regulations and publish registered information on the website home page.
- Develop and publicly announce on the website the operating regulations of the e-commerce trading floor, monitor, and ensure the implementation of those regulations on the e-commerce trading floor.
- Require traders, organizations and individuals who are sellers on the e-commerce trading floor to provide information according to regulations when registering to use the service.
- There is an inspection and supervision mechanism to ensure that information provided by sellers on the e-commerce trading floor is carried out accurately and completely.
- Store registration information of traders, organizations and individuals participating in e-commerce trading floors and regularly update relevant information changes and additions.
- Establish a mechanism to allow traders, organizations and individuals participating in e-commerce exchanges to carry out the contract signing process if the website has an online ordering function.
- Apply necessary measures to ensure information security related to business secrets of traders, organizations, individuals, and personal information of consumers.
- Take timely remedial measures when detecting or receiving reports about business behavior that violates the law on the e-commerce trading floor.

REQUIRED DOCUMENTS

- Application for registration of a website providing e-commerce services (according to Form TMĐT-1 in the Appendix issued with Circular 47/2014/TT-BCT).
- Copy from the original book or certified copy or copy presented with the original for comparison of the Establishment decision (for organizations), business registration certificate, investment certificate, or license investment (for traders).
- Project for providing e-commerce services as prescribed in Clause 3, Article 54 of Decree No. 52/2013/ND-CP.
- Regulations on management of activities of websites providing e-commerce services according to the provisions of Point d, Clause 2, Article 55 of Decree No. 52/2013/ND-CP:
- Contents specified in Article 38 of Decree No. 52/2013/ND-CP;
- Handling mechanism and processing time limit when receiving reports about illegal business behavior on websites providing e-commerce services.
- Sample service contract or cooperation agreement between traders and organizations that own websites providing e-commerce services and traders, organizations and individuals participating in buying and selling goods and providing services on that website.
- General transaction conditions apply to the purchase and sale of goods, and the provision of services on the website (if any).

PROCEDURE FOR IMPLEMENTING

Step 1: Traders and organizations register accounts to log into the system by providing the following information:

- Name of trader or organization;
- Business registration number of the trader, number of the establishment decision of the organization;
- Business/operating field;
- Address of the headquarters of the trader or organization;
- Contact information.

Step 2: Within 03 working days, traders and organizations receive results from the Ministry of Industry and Trade via a registered email address regarding one of the following contents:

- If the account registration information is complete, the trader or organization will be granted an account to log into the system and proceed to Step 3;
- If account registration is refused or additional information is requested, traders and organizations must re-register or supplement information as requested.

Step 3: After being granted an account to log into the system, traders and organizations log in, select the function Register website providing e-commerce services, declare information according to the form and attach registration documents according to regulations.

Step 4: Within 07 working days, traders and organizations receive feedback from the Ministry of Industry and Trade via a registered email address on one of the following contents:

- Confirm complete and valid registration documents and request traders and organizations to continue with Step 5;
- Notification of invalid registration documents or requests for additional information. Then traders and organizations return to Step 3 to re-declare or supplement information and documents as requested.

Step 5: After receiving notice confirming the complete and valid dossier, traders and organizations send to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) the complete registration dossier (paper copy) according to regulations.

Step 6: Confirm registration

- Registration confirmation time: 05 working days from the date of receiving the complete and valid paper registration dossier sent directly or by post by the trader or organization to the Ministry of Industry and Trade (Department of Trade, Electronics and Information Technology) when completing the registration process specified in Clause 2, Article 15 of this Circular. In case the hard copies of the documents sent to the authorities do not match the documents and information declared online through the account, the Ministry of Industry and Trade will notify the trader or organization via the email address they registered so they can adjust and complete the dossier.
- Upon confirmation of registration, the Ministry of Industry and Trade will send traders and organizations via registered email address a code to attach to the website providing e-commerce services, shown as a registration icon. When selecting this icon, users are directed to the corresponding registration information of traders and organizations at the E-commerce Activities Management Portal.