	<b>GUIDELINE</b>	Code: 15-QDCS-MP
	<b>List Of Legal Documents Required For Global Sellers &amp; Goods</b>	Date of issue: 01/08/2019
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## I. PURPOSE

Promulgating the list of legal documents required for global sellers, goods and services in order TiKi's staff can base on it to check and approve the documents.

## II. SCOPE AND APPLICABLE TERM:

Applicable scope: all employees of Tiki who are subject to relevant departments

Applicable term: August 1<sup>st</sup>, 2019

## III. CONTENTS

### 1. DEFINITIONS AND INTERPRETATION

**Genuine Goods/ Authentics Goods (Authentics Goods):** means the goods legally produced, satisfy standards/ regulations of goods of the trademark owners (Goods must be correct with trademarks, names, they are not counterfeit, fake goods).

**Distributed goods:** means Goods are directly sold to consumers on the e-commerce trading floor TiKi.vn through distributors/agents.

**Parallel imports:** means Goods legally imported to Vietnam and distributed or retailed in Vietnam by Sellers without the letter of authorization, permission of Manufacturers or the Trademark Owners or the Entities whom intellectual property rights are assigned by the Trademark Owners.


**Industrial property rights:** means rights of an organization or individual to inventions, industrial designs, designs of semi-conducting closed circuits, trademarks, trade names, geographical indications, trade secrets which such organization or individual created or owns, and the right to prevent unfair competition.

**Industrial design:** means the appearance of a product embodied in lines, form, colours or a combination of such elements.

**Invention:** means a technical solution in the form of a product or process which is intended to solve a problem by application of natural laws.

**Trademark (brand):** means any sign used to distinguish goods or services of different organizations or individuals. Signs might be a name, design, logo, or any feature to identify, distinguish between products, services of sellers and products and services of other seller incorporated in goods packages or its goods.

**Well-known trademark:** means a mark widely known by consumers throughout the territory of Vietnam.. Well-known brands will be evaluated through the following criteria: (i) the number of relevant consumers who were aware of the mark by purchase or use of goods or services bearing the mark, or from advertising; (ii) the territorial area in which goods or services bearing the mark are circulated; (iii) turnover of the sale of goods or provision of services bearing the mark or the quantity of goods sold or

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services provided; (iv) duration of continuous use of the mark; (v) wide reputation of goods or services bearing the mark; (vi) number of countries protecting trademarks; (vii) number of countries recognizing the mark as a well known mark; (viii) assignment price, licensing price, or investment capital contribution value of the mark.

**OEM (Non-Brand):** OEM is an abbreviation in English Original Equipment Manufacturer; it are used to point companies, factories which manufacture products according to design, technical parameters reserved and sell such products to other companies (who are responsible for distribution). In addition, OEM is often used for handmade products or not registered trademarks. Some logos/images/scripts/textures etc. attached to products that do not meet trademark standards, they can also be referred to as OEM goods.

**Official Store:** means the store of sellers who are the Manufacturers/Trademark Owners or the authorized distributors. The documents required for official store shall be implemented under Section 2 –General Regulations below; For Distributor, it needs a letter of consent from the trademark owners who permit to use their trademarks on store names.

**Global goods** mean products supplied cross borders by sellers outside Vietnam (sellers or another marketplaces):

- Global goods mean goods sold/supplied cross borders that customers buy directly from foreign countries.
- Global goods mean goods purchased to serve individual needs, Tiki is the intermediary between Sellers and customers
- Customers can identify products purchased directly from foreign countries with the text below "Global Goods"


**Certificate of Free Sale** (abbreviated **CFS**) means a certificate issued to exporter by the competent authority of exporting country permit to exporter in order to certify such products or goods produced and allowed to free sale in the exporting country.

**Material Safety Data Sheet** (abbreviated **MSDS**), hereinafter referred to as **Safety Data Sheet (SDS)** is a a document that shows substances of a specific chemical products. It is intended for person who need to contact or work such chemical products regardless it is a long or short term and safer working procedures when handling chemical products

## 2. General provision

Legal documents for sellers and goods must include:

### 2.1 Legal documents for sellers:

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Sellers shall be facilitated based on the reliability rate. Accordingly, Sellers must provide the following documents:

- Legal business registration certificate in the country where the Seller operates
- For foreign e-commerce platform, it must provide the documents of proving that its sellers agree to sell their products on Tiki.vn and comply with Tiki.vn's regulations and policies.

**Note:** In case Sellers sell goods and services belong to the list of conditional business of the Vietnamese law, they must provide the eligible business certificate for such goods, services.

## 2.2 Legal documents for goods:

### Documents of assessment criteria for safety and quality:

- Certificate of free sale
- Certificate/announcement of quality standard of product in the exporting country for sensitive food categories such as: Food, Beverage, Cosmetics, products for infants under 3 years old, Nutrition products and Other products according as notified by Tiki to Seller from time to time, if any.

### Essential legal documents for transportations and Customs Clearance:

- Commercial invoice
- Certificate of quality/origin or other documents of the product that required depending on the law of custom authorities in the exporting/importing countries based on product types at the time of customs clearance.

### Documents of assessment criteria for authentic products:

Seller is Manufacturer / Trademark owner, provide:

- Certification of trademark, industrial designs; invention patent;

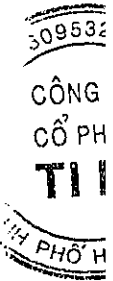
Seller is Distributor, provide:


- Letter of authorization for trademark, industrial designs and inventions; license contract on trademarks, industrial designs, inventions and well-known trademarks; contracts on sale and purchase which represent direct or indirect relationship between well known trademark and goods bearing trademarks;
- Providing commercial invoice of import activities

In addition, some types of goods and services are banned or restricted on e-commerce platform, and prohibited import, as below:

### **Table 1. Types of goods and services are restricted on Vietnamese E-Commerce Platform**

- a) Shotguns and bullets, sporting weapons, combat gear;
- b) Cigarettes, cigars and other finished products of tobacco.
- c) Alcoholic drinks;



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- d) Precious and rare wildlife and plants including live species and their processed parts;  
e) Other goods restricted from trading under the Vietnamese law

Tiki shall reject to import some products as below list

**Table 2. Lists of prohibited imports products (According to the Decree No. 69/2018/ND-CP)**

No.	Description of goods
1	Weapons, ammunition, explosives (except industrial explosives), military technical equipment.
2	Assorted fireworks (excluding signal fires used for navigational safety under the guidance of the Ministry of Transport), sky lanterns, assorted devices causing interference to vehicle speedometers.
3	<p>a) Schedule-1 toxic chemicals defined in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and Annex to the Government's Decree No. 38/2014/ND-CP dated May 6, 2014 on the management of chemicals under control in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.</p> <p>b) Chemicals under the list of banned chemicals prescribed in Appendix III to the Government's Decree No. 113/2017/ND-CP dated October 9, 2017 on guidelines for certain articles of the Law on Chemicals.</p>
4	<p>Used consumer goods, medical equipment, and vehicles including the following commodity groups:</p> <p>a) Textiles and garments, footwear, clothes;</p> <p>b) Electronic appliances.</p> <p>c) Refrigerating appliances.</p> <p>d) Home electric appliances.</p> <p>e) Medical equipment.</p> <p>f) Interior decoration goods.</p> <p>g) Home appliances made of pottery, ceramic, glass, metal, plastic, rubber, and other materials.</p> <p>h/ Bicycles.</p> <p>i) Motorcycles and mopeds.</p>
5	Assorted cultural products banned from dissemination and circulation or decided to be suspended from dissemination and circulation, or subject to revocation, confiscation and destruction in



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5	Assorted cultural products banned from dissemination and circulation or decided to be suspended from dissemination and circulation, or subject to revocation, confiscation and destruction in Vietnam.
6	Goods being used information technology products.
7	a) Assorted publications banned from dissemination and circulation in Vietnam. b) Postage stamps banned from trading, exchange, display and dissemination in accordance with the Law on Post. c) Radio equipment and radio-wave appliances which do not comply with radio frequency master plans and relevant technical regulations in accordance with the Law on Radio Frequencies.
8	a) Right-hand drive means of transport (including those in knocked-down forms and those with converted drive before being imported in Vietnam), excluding special-use right-hand drive vehicles operating within a restricted location and not joining traffic, including: crane trucks; canal diggers, street sweepers, street washers; garbage trucks; road builders; passenger cars in airports and lifting trucks in warehouses and ports; concrete-pumping vehicles; vehicles moving only within golf courses or parks. b) Assorted automobiles, four-wheeled drives and their spare parts which have their frame or engine numbers erased, modified or tampered with. c) Trailers, semi-trailers which have their frame erased, modified or tampered. d) Assorted motorcycles, special-use motorbikes and motorbikes which have their frame or engine numbers erased, modified or tampered with.
9	Used supplies and vehicles, including: a) Engines, frames, inner tubes, tires, spare parts and motors of cars, trailers, semi-trailers, four-wheeled drives. b) Chassis of cars and tractors, fitted with engines (including new chassis fitted with used engines and used chassis fitted with new engines), c) Assorted cars which have been transformed in structure compared with their original designs.





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	d) Cars, trailers, semi-trailers (other than dedicated trailers and semi-trailers), used passenger four-wheeled motor vehicles over 5 years, from the manufacture year to the import year. e) Ambulances.
10	Chemicals in Annex III of the Rotterdam Convention.
11	Pesticides banned from use in Vietnam.
12	a) Samples of precious, rare and endangered animals and plants under Appendix I of CITES derived from natural resources being exported for commercial purpose. b) Samples and processed products of species: white rhinoceros ( <i>Ceratotherium simum</i> ), black rhinoceros ( <i>Diceros bicornis</i> ), African elephants ( <i>Loxodonta africana</i> ).
13	Wastes and scraps, refrigerating equipment using C.F.C.
14	Products and materials containing asbestos of the amphibole group.

In case, the regulations have the change, such change shall be applied.

### 3. Execution responsibility

Legal Department shall be responsible for checking, modifying, supplementing, updating and announcing when there is a change in the List of legal documents required for global sellers and goods.

The Marketplace Department and other related departments shall base on the list of required legal document for global sellers and goods to review and approve the seller's goods and services.

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