



# Protecting the Integrity of E-Books in the Network Environment: A Comparative Law Perspective\*

Nguyen Ngoc Dien<sup>1</sup>, Nguyen Thi Ngoc Tuyen<sup>2</sup>

<sup>1</sup>Ho Chi Minh City of Vietnam National University, Vietnam

<sup>2</sup>Can Tho University, Vietnam



[10.15408/jch.v12i1.38890](https://doi.org/10.15408/jch.v12i1.38890)

## Abstract

The digital age has ushered in a remarkable transformation in accessing literature. The rise of electronic books has democratized access to a vast library of works, fostering a more vibrant and inclusive reading culture. However, this revolution in the network ecosystem has presented unforeseen challenges. One critical concern lies in safeguarding the integrity and authenticity of e-books within this dynamic online environment. This paper examines the inadequacies of the current Vietnamese legal framework in protecting the integrity of e-books. By employing a comparative legal analysis, the current paper will investigate how copyright and related rights are addressed in the legal systems of select countries worldwide. Additionally, the paper will explore the relevant provisions of international treaties regarding the right to protect the integrity of copyrighted works. This comparative and global framework will inform the development of future-oriented perspectives on e-book integrity in Vietnam. Furthermore, the paper will propose concrete amendments to Vietnamese law that aim to strengthen the protection of authors' moral rights, particularly the right to safeguard the integrity of their works in the digital realm. These proposals aim to contribute to a broader discussion on legislative reform in Vietnam, ensuring that its legal framework effectively addresses the unique challenges posed by e-books in the digital age.

**Keywords:** Copyright; Moral Rights; Work Integrity; Network Environment

---

\* Received: October 24, 2023; revised: November 27, 2023; accepted: March 20, 2024; published April 30, 2024.

<sup>1</sup> Assoc.Professor of University of Economics and Laws, Ho Chi Minh city of Vietnam National University, Hochiminh city, Vietnam Email: [ndien@vnuhcm.edu.vn](mailto:ndien@vnuhcm.edu.vn) ORCID: <https://orcid.org/0009-0009-9080-5446>

<sup>2</sup> PhD student, VNU-HCM University of Economics and Law, LLM, Senior Lecturer, School of Law, Can Tho University, Vietnam. Email: [tuyenntn19710@sdh.uel.edu.vn](mailto:tuyenntn19710@sdh.uel.edu.vn) ORCID: <https://orcid.org/0009-0006-9433-3368>

\*\*Corresponding author: [ndien@vnuhcm.edu.vn](mailto:ndien@vnuhcm.edu.vn)

## A. INTRODUCTION

Jorgen Blomqvist, Honorary Professor of the Centre for Information and Innovation Law, University of Copenhagen (Denmark), shared in the seminar "Copyright and Related Rights in the Digital Environment and WIPO Internet Treaties" held by the Copyright Office of Vietnam in cooperation with the World Intellectual Property Organization ([WIPO](#)). He stated copyright protection had encouraged authors' creativity in many new cultural and artistic works and business activities and spreading them while retaining their integrity.

Copyright fundamentally includes moral rights and economic rights. According to [Okonkwo \(2021\)](#), Moral rights are considered personal rights associated with authors even after death and are prescribed in most national and international legal documents. On the other hand, economic rights entail factors that empower authors with legal authority to control how their intellectual properties are exploited financially. Authors control reproduction, distribution, public performance, public display, and derivative works ([Barzel & Allen, 2023](#)). The integrity of works is typical of authors' four fundamental moral rights. As stipulated previously in Clause 4, Article 19 of the Vietnamese Law on Intellectual Property 2005 ([amended in 2009 and 2019](#)), one of the moral rights is *"To protect the integrity of the work; and to forbid other persons to modify, mutilate, or distort the work in whatever form, which would be prejudicial to the author's honor and reputation."* However, as interpreted in Clause 3, Article 20 of Decree 22/2018/ND-CP on Guidelines for the Law on Intellectual Property and Law on Amendments to the Law on Intellectual Property regarding the Copyright and Related Rights:

"The right to protect the integrity of the work and to forbid other persons to modify or mutilate the work provided for in Clause 4, Article 19 of the Law on Intellectual Property means the right of the author of the work to forbid other persons to modify or mutilate the work or to fix and upgrade the computer program without his/her consent."

Thus, the Decree eliminated prejudice to the author's honour and reputation and included the author's consent, which facilitates identifying acts of infringement of the right to protect the integrity of the work. It makes sense that, without the author's consent, the work's author is more or less affected. According to Vietnamese law, the criteria for identifying acts of infringement of the right to protect the integrity of the work are, first, alterations of the work and, second, the absence of the author's consent.

The Law on Amendments to the Law on Intellectual Property 2022 states, *"Protect the integrity of the work and forbid other persons to distort, modify, or mutilate*

*the work in whatever form, which would be prejudicial to the author's honour and reputation.*" There is no further interpretation in Decree 17/2023/ND-CP. Accordingly, acts deemed to be infringement are "*distorted,*" "*modify, or mutilate,*" and "*be prejudicial to the author's honour and reputation.*" The current guideline introduces a significant shift from the previous one by removing the need for authorial approval.

Another perspective on copyright viewing in Vietnam is contained in Article 14 of the Law on Intellectual Property 2005. The specific Article that deals with the copyright protection of books remains as it was legislated in Law No. 50/2005/QH11 - Law on Intellectual Property. Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) stipulates the types of work covered by copyright. Specifically, Article 14 Clause 1. (a) "*Literary and scientific works, textbooks, teaching courses, and other works expressed in written languages or other characters;*" Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) defines copyright as "*rights of organizations and individuals to works they have created or own.*" ([Article 4 clause 2](#)).

The concept of moral rights finds its roots in France, as documented by Calvin (1999) in "*From the Providence of Kings to Copyrighted Things (and French Moral Rights)*", published in the *Indiana International & Comparative Law Review*. To varying degrees, this concept has since been adopted within the legal frameworks of numerous countries worldwide. Moral rights, distinct from economic rights, are exclusively granted to individual authors. These rights empower authors to protect the integrity and attribution of their creations. Both authors and the state possess legal tools to prevent unauthorized alterations to the form or content of copyrighted works. Modifications are only permissible with the author's consent. In the case of co-authored works, the consent of all co-authors is typically required unless the work is comprised of distinct contributions intended for separate use or use with mutual agreement.

The legal concept of protecting a work's integrity presents a nuanced challenge across jurisdictions. Notably, neither the United States nor France offers a specific legal definition for this right. Instead, they focus on acts that constitute infringement, as exemplified by Articles L121-5 and L121-7 of the French Intellectual Property Code (1992) and Section 106A of the United States Copyright Act (1976). In contrast, the United Kingdom's Copyright, Designs, and Patents Act of 1988 provides a more precise definition in Paragraph (2a) of Section 80, explicitly stating that "*treatment of a work means any addition to, deletion from or alteration to or adaptation of the work.*" This comparative analysis reveals a potential gap in Vietnamese copyright law regarding the right to protect the integrity of e-books. While Vietnamese law currently recognizes protection

against distortions, mutilations, and modifications that could damage the author's reputation, a more comprehensive framework might be necessary. To address this, further exploration is required in three key areas: (1) differentiating the right to protect integrity from the concept of derivative works, (2) determining the extent of post-mortem protection for this right, and (3) considering the unique technical challenges posed by e-books that could compromise their integrity. The current study aims to highlight the international discrepancies in legal approaches to protecting the integrity of copyrighted works. By comparing the legal frameworks of the United States, France, and the United Kingdom with those of Vietnam, the study seeks to identify potential shortcomings in Vietnamese law, particularly concerning e-books. The subsequent exploration of three key areas will provide a foundation for developing a more robust legal framework in Vietnam that safeguards the integrity of e-books and the rights of their creators.

## **B. METHODS**

The current study adopted a comparative and scoping literature review methodology. The comparative literature review involved analyzing and comparing scholarly literature concerning the legal frameworks for protecting copyrighted works, particularly e-books, across different countries. This study examined approaches utilized in the United States, France, the United Kingdom, and Vietnam. This comparative analysis revealed significant differences in the right to protect the integrity of e-books, with particular emphasis on identifying shortcomings within the Vietnamese legal framework compared to the more comprehensive approaches of other nations. Additionally, the scoping literature review provided a comprehensive overview of existing literature about the legal protection of e-book integrity. This approach facilitated the identification of key legal concepts and issues surrounding e-book integrity, as well as uncovering potential research gaps within the field of legal protection for e-books.

## **C. RESULTS AND DISCUSSION**

### **1. The concept of e-books and the characteristics of protecting the integrity of e-books**

#### *a. The concept of e-books*

A wide range of works, including literary, artistic, and scientific, are governed by copyright laws. Bowker (2020) reveals that the legal frameworks on

copyright laws vary according to national laws and current international treaties. With the development of digital technology and the rapid growth of the Internet, the term "e-book" became prominent. However, [Crews \(2020\)](#) reveals that this entity's current approach and use are primarily seen in the publishing industry, business, and competition. Conversely, little attention has been paid to the performance of copyright laws and the rights of related entities in publication, preservation, and public use.

The origins of e-books can be traced back to the late 1990s when e-commercial websites began selling printed books to customers while transforming upcoming books into digital formats.

In the 1970s, Gutenberg reappeared when Michael Hart, working on a computer system at the University of Illinois, digitized the Declaration of Independence, the first e-book. Hart's efforts eventually led to the establishment Project Gutenberg, an organization dedicated to creating and distributing free public domain e-books via the Internet. While an undergraduate at Illinois, Hart made the first e-book on July 4, 1971, when he typed the Declaration of Independence into the Xerox Sigma V computer in the Materials Research Laboratory. He was inspired by a free printed copy of the Declaration of Independence he had received. After discovering that the file was too large to send online, he uploaded it for users to download quickly, creating the first e-book. Eventually, the rise of e-books has transformed the global reading landscape, with a significant shift towards digital formats as individuals increasingly choose to access books on smartphones and other electronic devices.

The emergence of e-books as a distinct reading format has fostered various perspectives on their merits and limitations. According to [Alexandrov \(2020\)](#), e-books can be broadly defined as digital publications accessible on multiple devices, including desktop and laptop computers, personal digital assistants (PDAs) like the Palm Pilot, and dedicated e-readers. The publishing process typically involves digitizing the original text and converting it into a computer-readable format using software such as Microsoft Reader or Adobe Acrobat e-book Reader. While the core content of an e-book remains faithful to the original work, publishers often incorporate additional features to enhance the digital experience. These may include an electronic cover page and preface alongside functionalities that leverage the e-book format. Users can benefit from features like adjustable font size and style, allowing personalized reading preferences.

Additionally, e-books often enable rapid navigation through chapters and sections, alongside keyword search capabilities and text bookmarking with hyperlinks for easy retrieval. Notably, [Budnyk et al. \(2021\)](#) observed that some e-

readers allow users to add automatically organized notes linked to the corresponding text, fostering a more interactive reading experience. [Rao \(2001\)](#) and [Alexandrov \(2020\)](#) described an e-book as:

"A text in digital form or a book converted into digital form or a digital reading material or a book in a computer file format or electronic file of words, images with unique identifiers, metadata to be displayed on the computer screen or read on a computer through a network or view in a desktop/notebook/dedicated portable device or read on all types of computers or formatted for display on an e-book reader."

[Joseph \(2022\)](#) elaborates that an e-book is a book in digital format, also known as a digital book or an electronic version of a printed book)—digital formats allowed for a grander economic scale and lower distribution costs. A notable characteristic that seems to emerge when examining the global discourse on e-books within academic research is a focus on their digital nature. This emphasis often leads scholars to analyze e-books primarily through the lens of digital formats, publishing workflows, or user experience, neglecting the crucial dimension of copyright law. This raises a fundamental question: Can e-books be viewed solely as digital conversions of traditional literature, or do they represent a distinct entity with unique copyright considerations?

An e-book is typically interpreted in various ways, including simply an electronic version of a printed book or a book published and released for digital devices such as desktops, laptops, tablets, and smartphones. However, it is essential to understand the concept of e-books to accurately identify which types of works are currently protected under copyright law. It can be emphasized that e-books are materials in digital formats that combine super media, such as sound, images, prominent text, music, and models. E-books can be created in various ways, such as by digitizing a printed book and uploading it in a digital environment or by directly creating one on electronic devices from the digital environment. The Guidelines for the Law on Publication categorize electronic publications as:

"(i) transferred to electronic format from publications that have been legally published in other formats; (ii) created electronically, not yet published in other formats, and with the decision of the General Director (Director) of the publisher or the license to publish non-business documents of the state management agency on publishing activities."

According to the Vietnamese Law on Publication, "publications" encompasses physical formats like printed books, pictures, calendars, and audio/video recordings. The law focuses on the published form (printed, audio,

etc.) rather than the content (book text, illustrations). However, the law's recognition of "electronic publications" demonstrably extends its scope to digital formats that can be accessed and interacted with on electronic devices. This recognition implies that e-books are currently acknowledged within the legal framework as a form of digital publication.

E-books, also called digital books, represent a distinct category of electronic publications stored and accessed in digital formats rather than physical paper. This digital nature offers enhanced functionalities that traditional printed books cannot provide. As [Seal \(2020\)](#) highlights, e-books often come equipped with various reader tools, enabling users to search for specific words, highlight passages, add comments, or utilize built-in dictionaries. Furthermore, e-books have the potential to integrate multimedia content such as animations, audio clips, and videos, enriching the reading experience. Web-based e-books may even include hyperlinks to other online resources, fostering interconnectivity and creative exploration ([Ramaiah, 2014](#)).

However, it is crucial to acknowledge that the very convenience offered by e-books, such as ease of access and manipulation, can also present challenges in copyright enforcement, making piracy and infringement a more significant concern than traditional printed media. Digital rights management (DRM) is critical in safeguarding e-books within the copyright framework. [Srivastava \(2022\)](#) reveals that leading platforms like Amazon Publishing offer functionalities that wouldn't be possible with physical books.

For instance, readers can back up and restore e-books in case of device damage or loss, download a new copy free of charge from the distributor, and synchronize reading progress, highlights, and bookmarks across various devices. These capabilities showcase the distinct advantages of e-books. The current study can, therefore, deduce that copyright law's applicability to e-books is undeniable. Given their diverse digital formats and prevalence within online environments, e-books should be viewed as distinct entities within the copyright framework. Their treatment should not simply mirror traditional literary works or digitized printed books, nor should they be solely classified as verbal art. The inherent versatility of e-books allows them to adapt to various formats and accommodate diverse content types within the digital realm. Furthermore, a clear distinction between e-books and mere data collections needs to be drawn.

## b. Characteristics of protecting the integrity of e-books

The integrity of works is recognized independently of economic rights. Protecting the integrity of works indicates that the characteristic of copyright protection is based on formats rather than ideas. It demonstrates how creatively and uniquely each author expresses and presents his or her ideas, and it must be exclusive without any intentional changes made by others. As prescribed in the Berne Convention in Article 6 (bis) on moral rights, it is noted that:

"Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation, or other modification of, or other derogatory action concerning, the said work, which would be prejudicial to his honour or reputation."

Copyright protection traditionally focuses on the form of expression rather than the underlying ideas. As a result, [Bouter \(2020\)](#) notes that such emphasis ensures that originality and creativity in how authors express their ideas are protected, granting them exclusivity and preventing unauthorized modifications. As enshrined in Article 6(bis) of the Berne Convention on moral rights, authors retain certain non-economic rights even after transferring ownership of their work. These rights include the right to attribution and object to any distortion, mutilation, or other modification that could damage their reputation or honour. Furthermore, the Berne Convention stipulates that moral rights extend beyond the author's lifetime, lasting at least as long as the economic rights. Authorized individuals or institutions can exercise these rights. However, the legal recognition and enforcement of moral rights in Vietnam remain unclear. The international community prioritizes the protection of a work's integrity through conventions like the Berne Convention. However, [Pasechnyk \(2022\)](#) highlights that nations retain the right to establish their legal frameworks.

Consequently, these frameworks often account for the unique characteristics of different creative work types. This flexibility allows national regulations to address considerations beyond the author's moral rights. For instance, Article 3 of the Copyright Law of Sweden states:

"When copies of a work are prepared, or when the work is made available to the public, the author's name shall be stated to the extent and in the manner required by proper usage. A work may not be altered in a manner which is prejudicial to the author's literary or artistic reputation or to his individuality, nor may it be made available to the public in a form or in a context which is prejudicial to the author in the manner stated. With binding effect, the author may waive his right under this Article only with respect to uses that are limited in character and scope."



The concept of moral rights, granting authors control over the integrity of their creations, is expressed in various national copyright laws. In the United States, Section 106A of the Copyright Act of 1976 explicitly grants authors the right to protect the integrity of their audiovisual works (considered literary and artistic). Similarly, Article 20 of the Japanese Copyright Law recognizes the author's right to maintain the integrity of their work and its title, prohibiting distortion, mutilation, or unauthorized modifications. An exciting distinction emerges when examining the French Intellectual Property Code. Article L121-7 carves an exception for software, where the right to protect integrity does not solely reside with the author. In this case, the copyright holder, who may not always be the author, has the right to prevent modifications that could prejudice their honour or reputation. The provisions of the preceding Paragraph shall not apply to any of the following changes:

- (i) a change of ideographs or words or other modifications considered unavoidable for school educational purposes where the exploitation of a work is made according to the provisions of Article 33, paragraph 1 (including the case where it is applied *mutatis mutandis* according to paragraph 4 of the same Article), Article 33.2, paragraph 1 or Article 34, paragraph 1.
- (ii) a modification of architectural work employing extension, rebuilding, repairing, or remodelling.
- (iii) a modification which is necessary to enable the use on a particular computer of a computer program work that is otherwise unusable on such computer or to make more effective use of a computer program work on a computer
- (iv) In addition to those listed in the preceding three items, modifications are considered unavoidable in light of the nature of a work and the purpose of and the manner of its exploitation.

The Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) has outlined the rights covered under copyright. The rights have been classified into two categories: (i) Moral and (ii) Economic rights. The Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) in Article 19 has stipulated that (1) authors have a right to the title of their work; (2) authors have a right to use their names or pseudonyms in their work; When their work has been used or published, the authors have a right to have their names or pseudonyms acknowledged as the original creators of the work when the said work is published or used (3) Creators of a piece of work have a right to publish it or authorize a third party to publish it; (4) *"To protect the integrity of their works, and to prevent other persons from modifying, mutilating or distorting their works in whatever form prejudicial to their honour and reputation."*

It's important to distinguish between moral and economic rights within copyright law. Moral rights, which are personal and inalienable, remain valid throughout the author's lifetime. These rights are untransferrable, meaning they cannot be sold or assigned to another party. In contrast, an author may transfer economic rights, such as the right to publish or the book's title, to an entity or individual who has acquired the copyright ownership.

While copyright laws in Sweden (1960), the United States (1976), France (1992), Japan, and Vietnam ([amended 2022](#)) all offer mechanisms to safeguard the integrity of creative works, a potential gap remains regarding the protection of ideas themselves. This is particularly evident in Vietnam's current legal framework. The Vietnamese Law on Intellectual Property would benefit from a more precise articulation of how the original ideas of copyright holders are protected within the context of e-books. Furthermore, the law could be strengthened by establishing parameters for the permissible use of existing ideas in creating new works, ensuring a balance between protecting originality and fostering innovation in the digital realm. Another key distinction lies between the infringement of the right to protect the integrity of a work and the creation of derivative works. The current intellectual property law in Vietnam fails to address the interplay between these two rights adequately. Specifically, the law lacks clear guidance on how the author's right to protect the integrity of their work interacts with their right to exploit the work, including the creation of derivative works. This ambiguity can create difficulties in resolving disputes involving potential infringement.

Article 2 of the [WIPO](#) Copyright Treaty establishes a fundamental principle: "*Copyright safeguards expressions, not underlying ideas, procedures, or mathematical concepts*". Applying the right to protect work integrity to e-books exemplifies the importance and complexity of this distinction. Traditionally, work format refers to the expression and structure of written language, readily understood by humans. Modifications to structure, such as rearrangement, addition, or mutilation, demonstrably alter the work. However, the ease with which e-books can be structurally manipulated presents a unique challenge. These alterations can significantly impact the content of the work, potentially jeopardizing its integrity. Given the dual nature of e-books – digitized versions of printed works or original digital creations – a crucial question arises: how can we determine when alterations to an e-book's format constitute a violation of the author's right to protect the integrity of their original work, and when do they fall within the realm of permissible expression?

[Isohanni \(2021\)](#) and [Hook \(2023\)](#) mention that scholars traditionally advocate for a robust moral right to protect the integrity of creative works, particularly literary and artistic works, except for computer programs (e.g., see previous discussion). However, the advent of e-books and the electronic transmission of works raise new concerns. The ease with which e-books can be manipulated digitally creates a significant risk of compromising their integrity. Furthermore, some e-books incorporate search tools and annotation features that allow readers to engage with and potentially modify the content actively. The technical ease of adding or editing e-book content presents a unique challenge: with minimal effort, users can create substantially altered versions, making it difficult to ensure the work's integrity in its original form of expression. The current Vietnamese Law on Intellectual Property ([amended 2022](#)) employs terms like "modification" and "mutilation," suggesting a negative connotation that emphasizes harm to the author's honour, reputation, and dignity.

However, the digital realm introduces the concept of "open understanding" when considering originality in e-books. Digital tool changes could be seen as an extension of the original work rather than a violation of its integrity. This evolving perspective suggests that protecting the integrity of e-books in the traditional sense might become a more nuanced issue. Similarly, Vietnam protects E-books in The Vietnam Publishing Law 2012 No. 19/2012/QH13. In explaining terms, Article 4 Clause 4 defines what can be termed as a publication. Of importance to note about this Article is Article 4:

"Publication is a work and documents on politics, economics, culture, society, education and training, science, technology, literature, art which are published through publisher or agency, the organization is issued publishing license in different languages, images, sounds, and are expressed in the following forms: (e) Electronic publication the one specified at Points a, c, d, e, Clause 4 of this Article shall be formatted digitally and read, listened and viewed by electronic media."

The law acknowledges the existence of e-books, as stated above. Moreover, the Vietnam Law on Intellectual Property Article 20 Clause 2 is clear that authors or the holders of a copyright to a book have the exclusive right to exercise the rights stipulated in Clause 1 of the Article. Nevertheless, within the law's framework, it is also provided that they can grant other persons or entities the authority to exercise the said rights. In addition, organizations and individuals are obligated by Article 20 Clause 3 to (i) seek permission (ii) pay royalties and any relevant benefits to the copyright holders of a work when they exercise either one or all the rights stipulated in Article 20 Clause 1 or Article 19 Clause 3.

Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) has outlined the rights covered under copyright. The rights have been classified into two categories: (i) Moral and (ii) Economic rights. The Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) in Article 19 has stipulated that (1) authors have a right to the title of their work; (2) authors have a right to use their names or pseudonyms in their work; When their work has been used or published, the authors have a right to have their names or pseudonyms acknowledged as the original creators of the work when the said work is published or used (3) Creators of a piece of work have a right to publish it or authorize a third party to publish it; (4) *"To protect the integrity of their works, and to prevent other persons from modifying, mutilating or distorting their works in whatever form prejudicial to their honour and reputation."*

Regarding the economic rights that an author enjoys, Vietnam Law on Intellectual Property 2005 ([amended 2022](#)) in Article 20 stipulates that:

- (a) authors enjoy economic rights to their work. Article 20 Clause 1 (a) Authors have a right to make derivative work from their books;
- (b) display their work to the public;
- (c) Reproduce their work;
- (d) Distribute or import original works or copies of thereof;
- (e) To communicate their works to the public by wire or wireless means, electronic information networks or any other technical means;
- (f) To lease original cinematographic works and computer programs or copies thereof.

The law has addressed the matter of copyright further in Article 21, which states: *"The publishing of works and materials reprinting of publication shall only be made after obtaining the written approval of the author, copyright owner as prescribed by law."* Therefore, under this law, Vietnam has taken steps to protect e-books because it has already acknowledged their existence in Article 4 and then spoken about the matter of copyright in Article 21.

A potential point of contention arises when a bona fide copyright holder, who is not self-published, seeks to modify a previously published work. The current Vietnamese Law on Intellectual Property ([amended 2022](#)) lacks explicit provisions on how authors can make such changes without infringing upon the rights of their publishers. This legal silence could lead to disputes where an author modifies the work's nature and desires to publish a revised version with a different publisher. To mitigate such conflicts, the Vietnamese Law on Intellectual Property could be strengthened by explicitly outlining the types of modifications permissible for authors and establishing clear procedures for engaging with current publishers (in non-self-published scenarios) to prevent potential copyright infringement claims.

## 2 Acts of infringement of the integrity of e-books

In Vietnam, some of the actions detailed below, among others, amount to copyright infringement: 1). Appropriating copyright to literary, artistic or scientific works; 2). Impersonating authors; 3). Publishing or distributing works without permission of authors; 4). Publishing or distributing works under joint-authorship without co-authors' consent; 5). Modifying, mutilating or distorting works in such a way as prejudicial to the honour and reputation of authors; 6). Reproducing works without permission of authors or copyright holders, except for the cases specified at Points a and e, Clause 1, Article 25 of this Law, etc.

Other forms of infringement of copyright include infringing a copyright holder's moral rights stipulated in Article 19 of the Vietnam Law on Intellectual Property and infringing on the copyright owner's rights provided for in Article 20 of the Vietnam Law on Intellectual Property. One of the most prevalent infringements within the contemporary digital landscape involves the unauthorized alteration of creative works, thereby compromising their integrity. This right is defined as "to protect the integrity of the work; and to forbid other persons to modify, mutilate, or distort the work in whatever form, which would be prejudicial to the author's honour and reputation." Accordingly, acts of infringement of this right are specified in Clause 5, Article 28 of the Law on Intellectual Property regarding copyright infringement in general. In addition, Article 10 of Decree 131/2013/ND-CP also provides that any modifications, mutilations, and distortions of the work that would be prejudicial to the author's honour and reputation shall be administrative violations. Previously, these acts may have been insignificant for printed books due to their physical characteristics. It is now easy to modify e-books in a digital environment. [Alexandrov \(2020\)](#) aptly highlights the inherent tension between ease of use and copyright protection in the digital realm. The very features that make copying and editing e-books effortless pose a significant challenge in detecting infringements. This problem becomes particularly acute for published e-books, where the burden falls on publishers to implement robust measures against unauthorized modifications. Distributing valuable works through online channels intensifies the challenge as demonstrating and proving copyright infringement becomes increasingly tricky. Furthermore, the expiration of copyright protection under Article 43 of the Law on Intellectual Property introduces additional complexity. In the digital environment, where malleability is a defining characteristic of e-books, managing user interactions to safeguard the integrity of works beyond the copyright term presents a unique set of challenges.

The Vietnamese Law on Intellectual Property traditionally established a two-pronged test for identifying infringements of the right to protect work integrity. The first criterion involves unauthorized modification, mutilation, or distortion of the work. The second criterion requires that these alterations cause harm to the author's honour and reputation. However, applying these general provisions to e-books presents challenges. On the one hand, the current legal framework focuses solely on modifications and mutilations, potentially overlooking situations where harm occurs without such blatant alterations.

On the other hand, it can be argued that any unauthorized modification inherently undermines the author's creative vision and, thus, potentially damages their reputation. While these general provisions remain anchored in the Law on Intellectual Property, the ease with which e-books can be digitally manipulated necessitates a more nuanced approach. The format might be less critical for scientific works where the core ideas hold primacy. However, for literary works and narratives incorporating images and sounds, the original format often plays an integral role in the reader's experience and the author's intended message. In such cases, format changes can negatively impact accessibility and distort the intended meaning.

The creation of derivative works raises a critical question regarding the concept of originality in the context of e-books. While authors (or copyright holders) possess the economic right to create derivative works, third-party creators require explicit consent. The challenge lies in distinguishing between permissible derivative works and unauthorized modifications that compromise the integrity of the original work. Traditionally, the focus has been on whether modifications harm the author's honour or reputation. However, this subjective standard can lead to disagreements, particularly when considering diverse audience perspectives and the author's intent. Further complicating matters is the issue of posthumous works, where the author's viewpoint is no longer readily available for clarification.

Internationally, copyright law typically provides legal recourse for infringement. For example, in the United States ([Legal Information Institute, 2022](#)), copyright holders can initiate lawsuits upon proof of infringement while creating a derivative work. Similarly, Sweden's Copyright Act (Section 2) prohibits copying or distribution without consent, allowing copyright holders to sue for infringement in such cases ([Advokatbyrå, 2023](#)). The Vietnamese Law on Intellectual Property ([amended 2022](#)) follows a similar approach, outlining actions that constitute copyright infringement.

### **3. Improvements to the law to protect the integrity of e-books in the digital environment**

The digital nature of e-books and their reliance on network environments necessitate reevaluating how their integrity is protected. While the Berne Convention and Article 20 of the Japanese Copyright Law emphasize safeguard the author's reputation, this standard might not adequately address the complexities of e-books. Infringement concerns primarily focus on the integrity of e-books during the copyright term. However, the issue of protecting integrity after the term expires or following the author's death demands further consideration. Expanding the current legal framework, potentially through amendments to Article 43 of the Law on Intellectual Property, could address this gap. A crucial step involves establishing clear criteria to determine the degree of modification or alteration that constitutes an infringement of e-book integrity. These criteria should enable a distinction between permissible derivative works and unauthorized modifications.

Furthermore, establishing this "degree" could serve as a benchmark for identifying both copyright infringement and the creation of derivative works. Finally, providing clear evidence of infringement in the digital realm necessitates a method for quantifying the degree of modification, mutilation, and the potential harm to the author's reputation. Additionally, civil remedies and evidence should be strengthened. Civil remedies are used to resolve infringements at the request of copyright holders, organizations, or individuals who have suffered damage due to such infringements, even if they have already been resolved through administrative or criminal remedies. Upon a lawsuit related to intellectual property, the Court may issue a decision to apply provisional urgent measures at the request of the plaintiff in the following cases: (1) There is a danger of irreparable damage to such intellectual property rights holders; (2) Goods are suspected of infringement of intellectual property rights or evidence related to the infringement of intellectual property rights are likely to be dispersed or destroyed unless they are protected in time. However, authors and copyright holders find it challenging to demonstrate tangible and intangible damage to digital works. Damages caused by acts of infringement of the integrity of works are not easily proven. Article 18.74 of the CPTPP on Civil and Administrative Procedures and Remedies states that, in civil judicial proceedings, the judicial authorities have the authority to order the infringer to pay the right holder damages adequate to compensate for the injury the right holder has suffered.

The United States Copyright Act offers a unique provision regarding compensation for infringement. In contrast to proving actual damages and lost profits, copyright holders can elect to pursue statutory damages (17 U.S.C. § 504). These predetermined amounts, ranging from \$500 to \$20,000, are awarded by the court as a fair judgment in infringement cases. This option offers substantial flexibility for copyright holders, allowing them to pursue a remedy without the burden of proving specific economic losses. Compared to the Vietnamese legal framework, the U.S. approach prioritizes copyright holder autonomy by granting them the right to choose the most appropriate form of compensation. Recent articles by [Dao \(2020\)](#) and [Mac Trang \(2023\)](#) argue for amendments to the Vietnamese Law on Intellectual Property. The authors contend that these changes should align with the country's socio-economic strategy for 2021-2030. Specifically, they advocate empowering the agency responsible for copyright monitoring and enforcement. They emphasize the need for more precise legal provisions outlining the agency's authority to implement copyright protection in the digital sphere.

#### **D. CONCLUSION**

In conclusion, copyright law traditionally safeguards the form of expression, not the underlying ideas or content. While the right to protect work integrity primarily applies to artistic, architectural, and musical works, its application to e-books presents unique challenges. The existence of e-books is heavily influenced by technical factors, as their survival hinges on digital platforms and network environments. Despite recent positive amendments to the Vietnamese Law on Intellectual Property, difficulties remain in determining the degree of infringement related to e-book integrity, particularly in distinguishing it from permissible modifications. Furthermore, the law should address issues concerning the integrity of e-books beyond the copyright term or after the author's death. These complexities necessitate specific guidelines that align with the ongoing trend of digital integration. Continuous legal adaptation is crucial in a rapidly evolving digital landscape to effectively address emerging copyright challenges. Countries like Vietnam, which have taken steps to secure copyright protection for electronic publications, exemplify this proactive approach. The establishment of dedicated agencies specializing in electronic work copyright warrants further consideration, as these issues and challenges continue to evolve alongside technological advancements.



## REFERENCES

- Advokatbyrå, T.D. (2023). "In brief: copyright infringement and remedies in Sweden." *Lexology*.  
<https://www.lexology.com/library/detail.aspx?g=f0da4212-ffe1-4262-bffe-5db3c3d9fff6> (Accessed May 5, 2023).
- Alexandrov, G. (2020). E-books versus print books: digital disruption or intermedia relations. In *Communication Management: Theory and Practice in the 21st Century* (pp. 282-296). Факултет по журналистика и масова комуникация, Софийски университет „Св. Кл. Охридски“.
- Article 20 of the Japanese Copyright Law. (1970). Copyright Law of Japan. Retrieved from <https://www.cric.or.jp/english/clj/cl2.html>
- Article 3 of the Copyright Law of Sweden. (1994). The Copyright Act (SFS 1960:729). Retrieved from <https://wipo.lex-res.wipo.int/edocs/lexdocs/laws/en/se/se225en.html#:~:text=Article%203.&text=A%20work%20may%20not%20be,author%20in%20the%20manner%20stated.>
- Barzel, Y., & Allen, D. W. (2023). *Economic analysis of property rights*. Cambridge University Press.
- Bouter, L. (2020). What research institutions can do to foster research integrity. *Science and engineering ethics*, 26(4), 2363-2369.
- Bowker, R. R. (2020). *Copyright, Its History and Its Law*. BoD–Books on Demand.
- Budnyk, O., Kachak, T., Blyznyuk, T., Rostykus, N., & Boiko, H. (2021). Printed and e-book: problems of choice of modern students of the university. *Revista Tempos e Espaços em Educação*, 14(33), e15913-e15913.
- Crews, K. D. (2020). *Copyright law for librarians and educators: Creative strategies and practical solutions*. American Library Association.
- Dao, T. A. T. (2020). Vietnam's innovation policy for capacity development of officials in ethnic minority areas in the period of 2021-2030. *Международный научно-исследовательский журнал*, (3-2), 74-79.
- French Intellectual Property Code. (amended 2023). Retrieved from [https://www.jpo.go.jp/e/system/laws/gaikoku/document/index/france-e\\_chiteki\\_zaisan.pdf](https://www.jpo.go.jp/e/system/laws/gaikoku/document/index/france-e_chiteki_zaisan.pdf)
- Gardiner, E., & Musto, R. G. (2010). The Electronic Book. In Suarez, M. F., & Woudhuysen, H. R. (Eds.), *The Oxford Companion to the Book* (p. 164). Oxford, England: Oxford University Press.

- Government of Vietnam. (2012). Vietnam Publishing Law. Retrieved from <https://english.luatvietnam.vn/law-no-19-2012-qh13-of-the-national-assembly-on-publishing-75396-doc1.html>.
- Government of Vietnam. (2013). Decree 195/2013/ND-CP details some articles and the Law on Publication implementation. Retrieved from <https://importlicensing.wto.org/sites/default/files/members/134/Decree%20No.195%202013%20ND-CP%20-%20Implementation%20of%20the%20Publishing%20Law%20%28ENG%29%2021.11.2013.pdf>
- Government of Vietnam. (2023). Decree 17/2023/ND-CP, detailing some articles and implementation of the Law on Intellectual Property Regarding Copyrights and Related Rights. Retrieved from <https://english.luatvietnam.vn/so-huu-tri-tue/decre-17-2023-nd-cp-detail-law-on-intellectual-property-regarding-copyright-and-related-rights-251358-d1.html>
- Hook, S. (2023). *Moral Rights, Creativity, and Copyright Law: The Death of the Transformative Author*. Taylor & Francis.
- Isohanni, P. (2021). Copyright and human originality in artistic works made using artificial intelligence.
- Joseph, V. (2022). E-books- an overview of its meaning, advantages and disadvantages. *International Journal of Early Childhood Special Education*, 14(5).
- Legal Information Institute. (2022). Infringement (of Copyright). Retrieved from [https://www.law.cornell.edu/wex/infringement\\_\(of\\_copyright\)](https://www.law.cornell.edu/wex/infringement_(of_copyright)).
- MAC TRANG, A. N. H. (2023). International Law Protection in Cyberspace Against Ransomware and Experience of Vietnam. *Vietnamese Journal of Legal Sciences*, 9(02), 01-26.
- Nguyen Huy Hoang. (2024). The relationship between the right to protect the integrity of works and the right to create derivative works. Retrieved from <https://tcdcp1.moj.gov.vn/qt/tintuc/Pages/xay-dung-phap-luat.aspx?ItemID=682>.
- Nguyen Thi Hai Van. (2024). Copyright protection in the digital environment: an experimental study of applying the French HADOPI Law, <https://www.agllaw.com.vn/bao-ho-quyen-tac-gia-trong-moi-truong-ky-thuat-so-nghien-cuu-kinh-nghiem-ap-dung-luat-hadopi-cua-cong-hoa>

[phapbao-ho-quyen-tac-gia-trong-moi-truong-ky-thuat-so-nghien-cuu-kinh-nghiem-ap-dung-luat/](http://phapbao-ho-quyen-tac-gia-trong-moi-truong-ky-thuat-so-nghien-cuu-kinh-nghiem-ap-dung-luat/) [accessed May 2, 2021].

- Okonkwo, I. E. (2021). NFT, copyright and intellectual property commercialization. *International Journal of Law and Information Technology*, 29(4), 296-304.
- Oxford University Press. (2021). E-book. Oxford Dictionaries. Retrieved from <https://elt.oup.com/catalogue/items/global/dictionaries/oxford-advanced-learners-dictionary/?cc=global&selLanguage=en>.
- Pasechnyk, O. (2022). International aspects of intellectual property rights protection. *Baltic Journal of Economic Studies*, 8(5), 146-157.
- Piramanayagam, S., & Seal, P. P. (2020). The choice between eBooks and printed books: A study among hospitality and tourism educators and learners. *Library Philosophy and Practice (e-journal)*, 3921. Retrieved from <https://digitalcommons.unl.edu/libphilprac/3921>
- Ramaiah, CK. (2014). Copyright Related Issues in Electronic Books. In *Scholarly Communication & Intellectual Property Rights* edited by YS Rao and AL Moorthy. Hyderabad; BS Publications, 2014. ISBN: 978-93-83635-19-1. pp. 140-149.
- Seal, P. P. (2020). *The Choice Between eBooks and Printed Books: A Study Among Hospitality and Tourism Educators and Learners*. Choice.
- Section 106A of the United States Copyright Act 1976. (1976). 17 U.S.C. § 106A.
- Srivastava, P. (2022). *Digital Rights Management: The New Copyrights*.
- Swedish Act on Copyright in Literary and Artistic Works. (1960), amended up to 2005. Retrieved from [https://www.uaipit.com/uploads/legislacion/files/0000006247\\_ACT\\_ON\\_COPYRIGHT\\_IN\\_LITERARY\\_AND\\_ARTISTIC\\_WORKS\\_2005\\_07\\_01.pdf](https://www.uaipit.com/uploads/legislacion/files/0000006247_ACT_ON_COPYRIGHT_IN_LITERARY_AND_ARTISTIC_WORKS_2005_07_01.pdf)
- TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights). (1994). Retrieved from [https://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm#TRIPs](https://www.wto.org/english/docs_e/legal_e/legal_e.htm#TRIPs).
- United States Copyright Act. (1976). Retrieved from <https://www.copyright.gov/title17/title17.pdf>.
- Vietnam Law & Legal Forum. (September 26 2023). Protection of book copyright in cyberspace. Retrieved from <https://vietnamlawmagazine.vn/protection-of-book-copyright-in-cyberspace-70573.html> accessed April 19 2024.

**Nguyen Ngoc Dien, Nguyen Thi Ngoc Tuyen**

Vietnam Law on Intellectual Property 2005 (amended 2022). (2005). Intellectual Property Law of Vietnam. Retrieved from [https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/vn/vn156en\\_1.pdf](https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/vn/vn156en_1.pdf)

Vu Thi Phuong Lan, *Copyright protection in the digital environment under international treaties and the law of Vietnam*, Truth National Political Publishing House, 2018.

World Intellectual Property Organization. "Berne Convention for the Protection of Literary and Artistic Works". *WIPO*. 1886. <https://www.wipo.int/treaties/en/ip/berne/#:~:text=The%20Berne%20Convention%2C%20adopted%20in,whom%2C%20and%20on%20what%20terms>. (Accessed May 5, 2023).