TNTP
ATTORNEYS AT LAW

LEGAL NEWSLETTER
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TNTP & ASSOCIATES INTERNATIONAL LAW COMPANY LIMITED

Website: /dsdc.com.vn/ & /tntplaw.vn/
Contact: (+84) 93 179 8818

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Notable highlights of Resolution No. 05/2025/NQ-CP dated September 9, 2025 of the government on the pilot implementation of the crypto asset market in Vietnam

In the context of rapid global developments in the digital economy and blockchain technology, digital assets—particularly crypto assets—have become an inevitable trend in the financial market. Therefore, establishong a clear legal framework to ensure transparency, safety, and legal compliance in the management, trading, and utilization of digital assets is essential. To create this legal corridor, the Government issued Resolution No. 05/2025/NQ-CP dated September 9, 2025 on the pilot implementation of the crypto asset market in Vietnam. This marks an important step for the formation of a lawful, transparent, and secure crypto asset market in Vietnam.

1. Terminology related to crypto assets

The definitions of “digital assets” and “crypto assets” provided in Clauses 1 and 2, Article 3 of Resolution No. 05/2025/NQ-CP are consistent with the provisions of the Digital Technology Industry Law 2025, which will take effect on 01 January 2026.

- Digital assets refer to assets defined under the Civil Code, expressed in the form of digital data, created, issued, stored, transferred, and authenticated by digital technologies within an electronic environment.

- Crypto assets refer to a type of digital asset that uses cryptography or other digital technologies with similar functions to authenticate the assets during their creation, issuance, storage, or transfer. Crypto assets do not include securities, digital forms of fiat money, and other financial assets as prescribed by civil laws and financial laws.

In addition, Resolution No. 05/2025/NQ-CP also provides clear definitions of concepts related to service provision activities in the field of crypto assets, including:

- Crypto asset service providers refers to an enterprise that perform or provide one or more of the following services or activities: organizing a crypto asset trading market; proprietary trading of crypto assets; crypto asset custody; and providing platforms for the issuance of crypto assets.

- Organization of a crypto asset trading market refers to the provision of a platform or infrastructure system for information exchange, aggregation of purchase and sale orders for crypto assets, execution of crypto asset transactions, and settlement of such transactions.

Thus, within the current system of legally effective normative documents, this is the first time that concepts related to crypto assets have been officially recognized. This classification is particularly significant in shaping the legaoverlappingwork for the digital asset market, helping to clearly define the regulatory scope of the Resolution and avoid overlap with the financial, banking, and securities sectors, which are already governed by separate legal instruments.

Notable highlights of Resolution No. 05/2025/NQ-CP dated September 9, 2025 of the government on the pilot implementation of the crypto asset market in Vietnam

2. Entities and timeline for the pilot implementation of the crypto asset market under Resolution No. 05/2025/NQ-CP

> According to Resolution No. 05/2025/NQ-CP, the pilot implementation of the crypto asset market applies to specific groups of entities, including crypto asset service providers; crypto asset issuers; Vietnamese organizations and individuals, as well as foreign organizations and individuals investing in crypto assets and participating in activities within the crypto asset market in Vietnam, within the scope prescribed.
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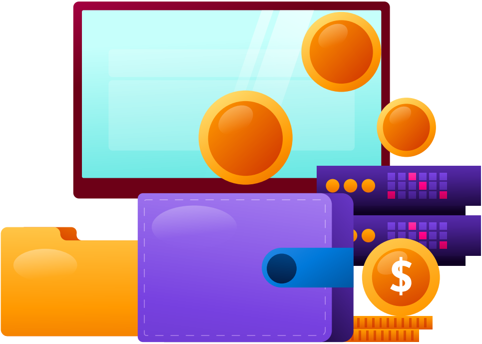
> Regarding the duration, Resolution No. 05/2025/NQ-CP takes effect from 09 September 2025, and the pilot period is 05 years from the effective date of the Resolution. Upon the conclusion of the pilot period, if no new legal instrument is issued to replace it, the crypto asset market shall continue to operate in accordance with this Resolution until amended, supplemented, or replaced by subsequent legal regulations.

During this period, activities related to the issuance, trading, and management of crypto assets will be implemented within a controlled and limited regulatory framework, enabling the State to evaluate effectiveness, risks, and the feasibility of further application before considering the completion of the overall legal framework.



Notable highlights of Resolution No. 05/2025/NQ-CP dated September 9, 2025 of the government on the pilot implementation of the crypto asset market in Vietnam

3. Principles for the pilot implementation of the crypto asset market under Resolution No. 05/2025/NQ-CP

The principles for the pilot implementation of the crypto asset market are set out in Article 4 of Resolution No. 05/2025/NQ-CP as follows:

> Resolution No. 05/2025/NQ-CP stipulates that the pilot implementation of the crypto asset market must be carried out on a cautious and controlled basis, with a phased approach suitable to practical conditions, ensuring safety, transparency, efficiency, and the protection of the lawful rights and interests of organizations and individuals participating in the crypto asset market.
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> Throughout the pilot implementation, all activities related to the issuance, trading, and management of crypto assets must comply with Vietnamese law and international treaties to which Vietnam is a party. The Ministry of Finance has the authority to propose to the Government the temporary suspension, termination, or adjustment of the pilot activities in cases where risks arise that affect financial security, social order, or public interests.
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> For foreign investors, compliance with both Vietnamese law and the laws of the country where the investor is registered or holds nationality is required, except where such regulations conflict with the fundamental principles of Vietnamese law or international treaties to which Vietnam is a party.
>
> Organizations and individuals participating in the crypto asset market have the obligation to provide accurate, truthful, and timely information without causing misunderstandings; they must also comply with regulations regarding issuance, trading, insider information, and product promotion. Only organizations licensed by the Ministry of Finance are permitted to provide services, organize trading markets, or advertise crypto assets.
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> The Resolution emphasizes the obligation to comply with legal regulations on anti-money laundering, counter-terrorism financing, cybersecurity, and data safety to prevent the misuse of crypto assets for illegal purposes.
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> In the event of violations, organizations and individuals participating in the crypto asset market will be subject to administrative sanctions or criminal liability in accordance with the law.
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> Activities related to offering, issuing, trading, and settling crypto assets must all be conducted in Vietnamese Dong.

From the above principles, it is clear that Resolution No. 05/2025/NQ-CP establishes strict management rules to ensure the safety of the financial system, social order, and the lawful rights and interests of market participants.

Notable highlights of Resolution No. 05/2025/NQ-CP dated September 9, 2025 of the government on the pilot implementation of the crypto asset market in Vietnam

4. Crypto assets may only be offered and issued to foreign investors

According to Article 6 of Resolution No. 05/2025/NQ-CP, crypto assets may only be offered and issued to foreign investors. Transactions between foreign investors must be conducted through a crypto asset service provider licensed by the Ministry of Finance.

Foreign investors must open a payment account in Vietnamese Dong at a bank or a branch of a foreign bank authorized to operate and provide foreign exchange services in Vietnam to conduct transactions, and to buy and sell crypto assets.

In the event that a foreign investor wishes to open a dedicated account at another authorized bank, the entire balance in the existing dedicated account must be transferred to the new dedicated account, and the existing dedicated account must be closed. The new dedicated account may only be used for transactions after the previous dedicated account has been closed and fully settled.

The restriction limiting the purchase of crypto assets to foreign investors demonstrates the Government's cautious approach during the pilot phase. This mechanism helps control risks and prevent potential negative impacts on the domestic financial system, while also facilitating the attraction of foreign capital. It is a controlled limitation designed to allow regulatory authorities to gradually assess risks, test the legal framework, and trial management models before expanding the scope to domestic investors.

5. Conditions for offering and issuing crypto assets

According to Article 5 of Resolution No. 05/2025/NQ-CP, the offering and issuance of crypto assets shall be carried out within the pilot framework under strict conditions to ensure market transparency and safety. Specifically:

The issuing organization must be a Vietnamese enterprise, legally established and operating in the form of a limited liability company or joint-stock company.

The crypto assets to be issued must be based on actual assets and must not be formed from fiat money, securities, or other types of financial assets as regulated by law.

At least 15 days before the offering, the enterprise must publicly disclose full information according to the prescribed template, along with other relevant documents, on the websites of both the crypto asset service provider and the issuing organization.

Notable highlights of Resolution No. 05/2025/NQ-CP dated September 9, 2025 of the government on the pilot implementation of the crypto asset market in Vietnam

6. Rights and responsibilities of investors participating in the crypto asset market

According to Article 16, investors participating in the crypto asset market in Vietnam are recognized with fundamental rights to ensure market access, information access, and the protection of their lawful interests. Specifically:

> Investors are allowed to open multiple trading accounts with different crypto asset service providers, provided that only one account is opened with each provider.
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> They are entitled to have disputes resolved and damages compensated by the crypto asset service provider or the crypto asset issuing organization in accordance with the law.
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> They are entitled to access full information publicly disclosed by the crypto asset service provider or the issuing organization in accordance with legal regulations.
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> They are entitled to the protection of their lawful rights and interests.
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> Investors bear full responsibility for their own crypto asset investment decisions.

From these provisions, it is evident that the law aims to establish a mechanism to protect investors in crypto asset transactions while emphasizing the principle of self-responsibility. Recognizing rights to access information, resolve disputes, and protect lawful interests helps lay the foundation for a more transparent and safer market. However, investors must remain aware and accountable for their own investment decisions.

The issuance of Resolution No. 05/2025/NQ-CP represents a strategic step by the Government of Vietnam in its journey toward building a digital economy. While certain limitations remain, particularly regarding the scope of participants, this Resolution provides an important legal foundation for the eventual establishment of a formal legal framework regulating crypto assets in the future.

Decree No. 239/2025/ND-CP dated September 3, 2025 of the Government amending and supplementing a number of articles of Decree No. 31/2021/ND-CP detailing and guiding the implementation of a number of articles of the Law on Investment

On September 3, 2025, the Government issued Decree No. 239/2025/ND-CP ("Decree 239") amending and supplementing Decree No. 31/2021/ND-CP detailing and guiding the implementation of a number of articles of the Law on Investment. The new Decree focuses on regulating many important contents such as: administrative procedures; determination of areas eligible for investment incentives; investor approval procedures; dossiers, appraisal and approval of investment guidelines; adjustment of projects that have been granted investment registration certificates; investment and business in infrastructure of industrial parks, export processing zones, hi-tech parks, concentrated digital technology parks and economic zones; overall inspection and transfer of projects; and a number of contents related to industries eligible for investment incentives,... Hereby, TNTP will send you the specific content of the basic new points of Decree 239.

1. Decree 239 has completed administrative procedures and digital transformation in investment management

Decree 239 supplements regulations allowing investors to submit electronic documents instead of paper documents when carrying out investment procedures such as: investment registration, project adjustment, project operation termination, investment policy approval, investor approval:

Pursuant to the provisions of Point 7, Clause 1, Article 1 of Decree 239 as follows:
1. Clause 7 of Article 2 is amended as follows:
"7. Dossier for implementation of investment procedures means a dossier made by an investor or a competent state agency including an electronic copy of the dossier as prescribed in Clause 1a, Article 6 of this Decree to carry out procedures for issuance and adjustment of decisions approving investment guidelines, investment registration certificates, outward investment registration certificates and other relevant procedures for carrying out investment activities in accordance with the provisions of the Investment Law and this Decree.".

This regulation helps significantly reduce administrative time and costs, in line with the trend of digital transformation in the field of investment.

Decree No. 239/2025/ND-CP dated September 3, 2025 of the Government amending and supplementing a number of articles of Decree No. 31/2021/ND-CP detailing and guiding the implementation of a number of articles of the Law on Investment

Decree 239 supplements the mechanism for connecting, sharing, and updating data between investment registration agencies and specialized agencies (tax, land, customs, labor, environment, etc.), ensuring that investment project information is synchronized and unified on the national electronic system.

Pursuant to the provisions of Clause c, Clause 2, Article 1 of Decree 239 as follows:
"c) The Ministry of Finance and the investment registration authority shall publicize the address and form of receipt of the investor's electronic version on the National Investment Portal, the Ministry of Finance's website and the website of the state management agency on investment in the locality."

This regulation helps significantly reduce administrative time and costs, in line with the trend of digital transformation in the field of investment.

This regulation improves the efficiency of state management, reduces duplication of information, strengthens the role of the National Investment Portal as a place to announce, receive, and look up project information, creating transparency.

It can be seen that the above amendments of Decree 239/2025/ND-CP clearly show the orientation of building a digital government, digital economy and smart investment management, in line with the orientation of digital government, smart investment management, aiming to reduce direct contact and prevent negativity.

Decree No. 239/2025/ND-CP dated September 3, 2025 of the Government amending and supplementing a number of articles of Decree No. 31/2021/ND-CP detailing and guiding the implementation of a number of articles of the Law on Investment

2. Determination of areas eligible for investment incentives according to the model of 02-level local government

Decree No. 239/2025/ND-CP amends and supplements the provisions of Article 21, Decree No. 31/2021/ND-CP to stipulate the principles of determining areas eligible for investment incentives for commune-level administrative units established on the basis of arrangement of administrative units and two-level local government organizations.

The determination of areas eligible for investment incentives for commune-level administrative units established on the basis of the arrangement of administrative units and 2-level local government organizations is specified in: 4. Article 21 is amended as follows:

"a) Newly established commune-level administrative units are determined as areas eligible for investment incentives calculated by the majority of the number of commune-level administrative units currently enjoying;
b) In case the number of commune-level administrative units in an area with extremely difficult socio-economic conditions and an area with difficult socio-economic conditions is equal, the newly established commune-level administrative unit shall be determined as an area with extremely difficult socio-economic conditions;
c) In case the number of commune-level administrative units in geographical areas with difficult socio-economic conditions and non-geographical areas eligible for investment incentives is equal, the newly established commune-level administrative units shall be determined as geographical areas with difficult socio-economic conditions;
d) In case the number of commune-level administrative units in an area with extremely difficult socio-economic conditions and an area not in an area eligible for investment incentives is equal, the newly established administrative unit shall be determined as an extremely difficult socio-economic condition."

Accordingly, for commune-level administrative units established on the basis of arrangement, merger or adjustment of administrative boundaries, the determination of areas eligible for investment incentives will be based on the level of incentives of administrative units before arrangement.

The new regulations in Decree No. 239 have clarified how to determine the area eligible for investment incentives in case a new commune-level administrative unit is established or formed on the basis of merging or consolidating many old communes with different socio-economic conditions. The addition of this regulation helps ensure the stability of investment incentive policies, especially during the period when localities are rearranging administrative units according to Resolution No. 76/2025/UBTVQH15 of the Standing Committee of the National Assembly. As a result, investors are assured when implementing projects in areas with changes in administrative boundaries, avoiding the situation of "loss of investment incentives" or having to re-establish preferential conditions when the project area is merged or adjusted.

Decree No. 239/2025/ND-CP dated September 3, 2025 of the Government amending and supplementing a number of articles of Decree No. 31/2021/ND-CP detailing and guiding the implementation of a number of articles of the Law on Investment

3. Adjustment of competence and responsibilities of provincial and commune/ward People's Committees in investment management

Decree No. 239 has supplemented and adjusted the competence and responsibilities of People's Committees at all levels in managing, determining and announcing areas eligible for investment incentives, in order to ensure conformity with the model of two-level local government in arranged administrative units.

Pursuant to Clause 5, Article 21 amended in Clause 4 of Decree No. 239 as follows: *"5. Provincial-level People's Committees shall identify and announce areas eligible for investment incentives and areas eligible for special commune-level investment incentives under the provisions of Clauses 1, 2, 3 and 4 of this Article and send information to the Ministry of Finance for monitoring and synthesis."*

According to the above provisions, commune and ward-level People's Committees shall be responsible for reviewing, identifying and proposing areas eligible for investment incentives in their respective areas after arranging administrative units, ensuring that data accurately reflects the actual conditions of each area. Provincial-level People's Committees shall be responsible for announcing, update the list of preferential geographical areas and special areas eligible for investment incentives, and at the same time send information to the Ministry of Finance for monitoring, synthesizing and ensuring consistency in the national system.

This regulation is in line with the spirit of "two-level local government", increasing the initiative for grassroots governments, and at the same time improving the efficiency of coordination between communes and provinces in managing, attracting and supervising investment activities in localities.

Decree No. 239/2025/ND-CP dated September 3, 2025 of the Government amending and supplementing a number of articles of Decree No. 31/2021/ND-CP detailing and guiding the implementation of a number of articles of the Law on Investment

4. Abolishing the criterion of "equipment age over 10 years" in considering the extension of investment projects

Previously, according to the provisions of Decree No. 31/2021/ND-CP, when considering the extension of the operation term of an investment project, the competent authority often based on the age of machinery and equipment. Specifically, machinery and equipment that have been used for more than 10 years from the year of manufacture are considered ineligible for extension. This regulation is considered rigid, not reflecting the actual efficiency and quality of technology of enterprises.

Decree No. 239 has abolished the criterion of "equipment age over 10 years", and at the same time changed the evaluation method from the quantitative criterion of time to the qualitative criterion such as performance, capacity, energy consumption and environmental impact.

This new approach represents a shift from administrative management to technology quality-based management, encouraging businesses to maintain, upgrade and reuse equipment that meets technical standards instead of being forced to replace them just because the "age" of the equipment is old.

5. Supplementing regulations on "concentrated digital technology parks"

Decree 239 has amended the entire Article 61 of Decree 31/2021/ND-CP, adding the type of "concentrated digital technology park" to the list of areas allowed to invest in infrastructure construction and business. This is the first time that the type of digital technology park has been specifically regulated in the legal system on investment, marking an important step forward in completing the legal corridor for the digital technology sector.

Accordingly, investors developing infrastructure in concentrated digital technology parks will enjoy the same rights and obligations as investors in industrial parks, export processing zones or high-tech parks, including the right to invest in the construction of technical infrastructure, lease or sublease land, factories, offices, as well as the right to transfer land use rights associated with infrastructure works in accordance with the law.

The addition of this regulation not only opens up opportunities to attract large investments in the fields of digital technology, artificial intelligence, big data, cloud computing and other digital industries, but also creates conditions for the formation of an innovation ecosystem and promotes linkages between domestic and international technology enterprises.

Thus, from the above new points, it can be seen that the Government's Decree No. 239 amending and supplementing a number of articles of Decree No. 31/2021/ND-CP has brought many important innovations in management and investment attraction. The revised contents demonstrate modern, flexible management thinking and are in line with the reality of socio-economic development, especially in the context of digital transformation and economic restructuring.

Counter-claims in civil litigation in Vietnam

In civil court proceedings, counter-claim is a fundamental legal mechanism that allows defendants to make formal requests to the court. Such requests typically seek compensation, rights restoration, or rejection of the plaintiff's claims. Research indicates that defendants often lack understanding of their counter-claim rights during legal proceedings. As a result, they frequently miss opportunities for efficient dispute resolution and optimal protection of their legal interests. This article explores counter-claim in civil cases to help readers gain a clear understanding of the process.

1. What is a counter-claim?

While Vietnamese law has not explicitly defined counter-claim, the term generally refers to the act of counter-suing. According to Clause 3, Article 72 and Clause 1, Article 200 of the 2015 Civil Procedure Code, a counter-claim is a lawsuit filed by the defendant against the plaintiff regarding a related claim, which will be resolved in the same case due to their close connection.

A defendant's counter-claim only arises when the plaintiff files a lawsuit and the defendant believes that the plaintiff has violated upon their legitimate rights and interests related to the original lawsuit that the court has accepted for settlement. Subsequently, they may submit a formal request to the court to address matters pertaining to the plaintiff's initial claim within the same civil proceedings.

A counter-claim is essentially a lawsuit request, so it must meet all standard legal requirements for filing a lawsuit. While the defendant's request could be filed as a separate case, it only qualifies as a valid counter-claim when resolved alongside the plaintiff's original claim.

Counter-claims in civil litigation in Vietnam

2. The defendant's right to make counter-claim

According to Clause 4, Article 72 of the 2015 Civil Procedure Code, defendants may counter-claim against the plaintiff if their claims are related to the plaintiffs' claims or set off the obligations claimed by the plaintiffs.

In a case involving a counter-claim, the defendant gains the status of a plaintiff regarding their claim. Consequently, the defendant holds the same rights and obligations as a plaintiff under Article 71 of the Civil Procedure Code.

The defendant's counter-claim shall be accepted when it satisfies the provisions in Clause 2, Article 200 of the 2015 Civil Procedure Code and is specifically guided in Article 12 of Resolution 02/2015/NQ-HDTP. These requirements include:

> Counter-claim is made to clear liability against the plaintiffs' claims;
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> Counter-claim leads to the exclusion of part or all of the plaintiff's claim; or
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> Counter-claim is made if resolved in the same case, making the settlement of the case more efficient, factually accurate and legally compliant.

Since a counter-claim is a type of lawsuit request, it must satisfy both the conditions mentioned above and the standard procedural requirements for any lawsuit to be accepted by the court, including:

> Right to counter-claim: The person making counter-claim must be the defendant in the case and must believe their rights and interests have been violated by the plaintiff's request in the same civil case.
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> Statute of limitations for counter-claims: While Article 184 of the 2015 Civil Procedure Code establishes the statute of limitations for initiating lawsuits, it does not directly address counter-claims. Since a counter-claim functions as a lawsuit request, it must also follow these same statute of limitations as they are essentially lawsuit requests which are outlined in Article 184. Section 3 of this article specifically presents the details of statute of limitations for counter-claims.
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> Court's Jurisdiction: The court accepts counter-claims only when they fall within its jurisdiction under the 2015 Civil Procedure Code. If a defendant's counter-claim falls outside the jurisdiction of the court handling the plaintiff's original claim, the current court shall either guide the defendant to file a separate counter-claim with the appropriate court or request that another court with proper jurisdiction handle both lawsuit and counter-claim requests in the same case. Inferior courts do not have jurisdiction to resolve defendant's counter-claims if such counter-claims fall outside their jurisdictional authority.
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> Counter-claim procedure: The defendant must follow the same formal requirements as a regular lawsuit when filing a counter-claim. This includes submitting a written counter-claim requset to the court and fulfilling the obligation to pay advance court fees similar to the plaintiff. TNTP will detail these procedures in the our article.

Counter-claims in civil litigation in Vietnam

The matter must not have been previously resolved by a legally effective court judgment, court decision, or decision from a competent state agency.

Pre-litigation procedures: Pre-litigation procedures are mandatory steps that must be completed prior to initiating legal proceedings. While Vietnamese law has not yet established specific regulations for pre-litigation procedures for counter-claims, TNTP would like to present the following legal opinion:

As counter-claims constitute legal actions equivalent to initial lawsuit requests, they must adhere to the established pre-litigation procedural requirements. Should the plaintiff withdraw their claim or the court suspend proceedings on the plaintiff's request, the court maintains responsibility for adjudicating the defendant's counter-claim. In such instances, the defendant assumes the role of plaintiff and the case will proceed according to standard procedures, with similar acceptance conditions. If the defendant (now acting as plaintiff) has not fulfilled pre-litigation requirements, the court retains authority to return the counter-claim petition pursuant to Point b, Clause 1, Article 192 of the Civil Procedure Code 2015. Furthermore, should the Court proceed without ensuring completion of pre-litigation procedures, the resulting judgment may be annulled under Clause 2, Article 310 of the 2015 Civil Procedure Code.

3. Statute of limitations for counter-claims

The statute of limitations for filing a lawsuit is crucial in civil cases. A counter-claim is legally considered a lawsuit request, therefore, all relevant regulations and conditions pertaining to lawsuits are applicable equally, including provisions regarding the statute of limitations for making claims. If a defendant files a counter-claim after the statute of limitations has expired, the judge will suspend the case's settlement under Point e, Clause 1, Article 217 of the Civil Procedure Code 2015 but only if other parties request to apply the statute of limitations as per Clause 2, Article 184. This principle is confirmed in Precedent No. 44/2021/AL: when a defendant files a counter-claim and another party proposes to apply the statute of limitations, the court treats the counter-claim as a lawsuit request and applies the corresponding statute of limitations.

The specific statute of limitations for counter-claims follows the provisions in the Civil Code and relevant specialized laws.

Understanding the filing rights, timing, statutes of limitations and related procedures for counter-claims that helps parties in civil cases better understand their rights and obligations. This knowledge contributes to swift and reasonable dispute resolutions. TNTP is pleased to present our next article on “Procedures for requesting counter-claims in civil cases” for detailed reference.

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TNTP & ASSOCIATES INTERNATIONAL LAW COMPANY LIMITED

Ho Chi Minh Office:
Suite 1901, 19th Floor, Saigon Trade Building, 37 Ton Duc Thang Street, Saigon Ward, Ho Chi Minh City, Vietnam
Contact: (+84) 903 503 285 - (+84) 282 220 0911
Email: tra.nguyen@tntplaw.com

Ha Noi Office:
No. 2, Lane 308 Tay Son, Dong Da Ward, Hanoi City
Contact: (+84) 931 798 818
Email: ha.nguyen@tntplaw.com.vn

Da Nang Office:
31 Tran Phu Street, Hai Chau Ward, Da Nang, Vietnam
Contact: (+84) 903 503 285
Email: tra.nguyen@tntplaw.com

/dsdc.com.vn/ & /tntplaw.vn/

Dispute Settlement And Debt Collection