# 9

## A

## 9.1

“
”

1.3 ( )

[1]

“ ”

**ICC**

**ICSID**

---

[1] “ ” “ ” “ ”

**ICSID** 1965 3 18

1975 1 30

(a)

(b)

(c) [1] [2]

(d)

(e)

(f)

(g)

[3]

(h)

[4]

[5]

---

[1]

[2]

[3] ) )

[4] “ ” (a) (b)

[5]

[1] 9.24(2) ( )

(a) [2]

(b) [3]

(c)

[4] [5]

[6]

## LCIA

(a)

---

[1] “ ”
(a)
(b)

[2]

[3]

[4] (i)
(ii) (iii)

[5] “ ” (a)
1975 (b)
21 22 (c)
(d) 2005

[6] “ ” “ ”
( ) “
”

(b)

75%

## 9.3

1.

2.

3. 11 ( )

## 9.4 [1]

1.

2.

3. 1 2

---

[1] 9.4 ( ) 9.5 ( ) “ ”

## 9.5

1.

2.

3.

B

## 9.6 [1]

1.

2. 1

“ ” “

”

1

(a) “ ”

(b) “ ”

3.

4.

---

[1] 9.6 ( ) 9-A( )

5.

## 9.6

1. 9.11 6 (b) ( )

2. 1 1

(a)

(b)

3. 1
9.11 6 (b) ( ) 9.4 (
)

## 9.7 [1]

1.
(“ ”)

(a) 1 2

---

[1] 9.7 ( ) 9-B( ) 9-C( )

(b)

(c) 2 3 4

(d)

2.

(a)

(b) (“ ”)

(c)

(d)

3.

4.

(a)

(b)

5. TRIPS
18 ( ) TRIPS [3]

6.

---

[1] “ ”
“ ” “ ” “ ”

[2] (i)
(Cap.40) (Cap.41) (ii)
1960
1950 1958

[3] “ ”
“ ”

(a)

(b)

## 9.8 [1]

1.

(a) [2]

(b)

(c)

(d)

(e) 9.6 ( )
9.7 ( )

(f)

2.

3.

4. 1 2 3

[3]

---

[1] 9-E( )

[2]

[3]

(a)

(b)

(c)

(d)

(e)

5. 3 4

## 9.9

1.

[1]

(a)

(b)

(c)

(d)

(e)

(f)

---

[1] 2 1 “ ” “ ”

(g)

(h) (i)

[1]

(ii)

(i)

[2]

(i)

(ii)

1(i)

2.

(a)

(b)

(c)

(d)

---

[1] “ ”

[2] “ ”

3. (a) 2

(b) 1(f) 1(h) 1(i)

(i) TRIPS 3 11[1] TRIPS 39

(ii) [2] [3]

(c) 1(i)

(d) 1(b) 2(c) 1(f) 2(a) 2(b)

(i)

(ii)

(iii)

(e) 1(a) 1(b) 1(c) 2(a) 2(b)

---

[1] “ 31 ” TRIPS 6 TRIPS

[2]

[3] 10 “ ”

(f) 1(b) 1(c) 1(f) 1(g) 1(h)
1(i) 2(a) 2(b)

(g) 2(a) 2(b)

(h)
1(h) 1(i)

4. 1

5. 1 2

6.

## 9.10

1.

2.

## 9.11

1. 9.4 ( ) 9.5 ( ) 9.9 (

9.10 ( )

(a)

(i) 1

(ii) 1

(iii)

(b) (a)

(c) (a) 9.4 ( ) 9.5 ( ) 9.9 ( ) 9.10 ( )[1]

2. 9.4 ( ) 9.5 ( ) 9.9 ( ) 9.10 ( ) 2

3. 1(a)(ii) [2]

4. 2

5. (a) 9.4 ( )

(i) 18.A.9 ( )

(ii) TRIPS 3 18 ( )

(b) 9.5 ( ) TRIPS 5

---

[1] 9-I( )

[2] 1(a)(i)

(i) 18.A.9 ( )

(ii) TRIPS 4

6. 9.4 ( ) 9.5 ( ) 9.10 (
)

(a)

(b)

7. 1 2
30.2 ( )

## 9.12

## 9.13

1.
9.4 ( )

2. 9.4 ( ) 9.5 ( )

9.14

1.

(a)

(b)

2.

9.15

9.16

## B -

### 9.17

1.

2.

3.

### 9.18

1. 9.17 2 ( )
6

(a)

(i)

(A) 1

(B) [1]

(C)

(ii)

(b)

(i)

(A) A

---

[1] 9-H
(a)(i)(B) (b)(i)(B)

(B)

(C)

(ii)

,

(a) (i)(C) (a) (i)(C)

2. 1 (a) (i)(B) 1 (a) (i)(C)
1 (b) (i)(B) 1 (b) (i)(C)

[1]

3. 90
(“ ”)

(a)

(b)

(c)

(d)

4. 1

(a) ICSID
ICSID ICSID

(b) ICSID
ICSID

(c) UNCITRAL

(d)

---

[1]

5. (“ ”)

(a) ICSID

(b) ICSID

(c) UNCITRAL

(d) 4(d)

6. 4

7.

(a)

(b)

9.19

1.

2. 1

(a) ICSID ( ) ICSID

(b) “ ”

(c) “ ”

## 9.20

1. 9.18 1 (
) ( 9.18 1
(a) ) ( 9.18 1 (b)
) 3 6

2.

(a)

(b)

(i) 9.18 1 (a) ( )
,

(ii) 9.18 1 (b) ( )

9.18 ( )

3. 2(b) ( 9.18 1 (a)
( ) ) (
9.18 1 (b) )

## 9.21

1. 3

2.

3. 75

4. ICSID 39 ICSID C 7

(a) ICSID ICSID

(b)
9.18 1 (a) ( )
ICSID ICSID

(c)
9.18 1 (b) ( )
ICSID ICSID

5. 9.18 1 (a) (i)(B) ( )
9.18 1 (b) (i)(B) 9.18 1 (a) (i)(C)
9.18 1 (b) (i)(C)
9.24 2 ( )

9.24 2

6. 28 ( )
-

-

9.22

1. 9.18 4 ( )

2.

3.

4. (
)
9.28
( )

(a)

(b)
(
)

(c) “
9.28 ( ) ”

( )

UNCITRAL UNCITRAL

(d)

5

5. 45

4

( )

150

30

30

6. 4 5

7.

9.6 ( )

8.

9.

9.18 (

)

10.

60
60
45

11.
9.28
( )
9.23 ( )

9.23

1. 2 4

(a)

(b)

(c)
9.22 2 ( ) 9.22 3
9.27 ( )

(d) ( )

(e)

2.

3

3. 4(d)

29.2 ( ) 29.6 (
) [1]

4.

(a) (d)
(b)

(b)

(c)

1

(d) 3

(i)

(ii) (c)

(d)(i)
(d)(ii)

5.

## 9.24

1. 3 9.18 1 (a)

---

[1] 29.2 ( ) 29.6 ( )

(i)(A) ( ) 9.18 1 (b) (i)(A)

[1]

2. 3

9.18 1 (a) (i)(B) ( ) 9.18 1 (a) (i)(C) 9.18 1 (b) (i)(B) 9.18 1 (b) (i)(C)

(a)

(b)

(i) [2]

(ii)

3. 27.2 2 (f) ( )

## 9.25

1. 1 2

90 27.2 2 (f) ( )

2. 1

90

---

[1]

[2] “ ”

9.26

( )

9.27

1. 9.18 1 ( )

2 10

2.

(a)

(b)

(c)

3. 2 30

4.

3

(a)

(b)

(c)

5. 2 60
4

6. 9.18 1 (
)

(a)

(b)

(c) 9.21 ( )

(i)

4(a) 5

(ii)

7. 9.18 1 (
) 2
6

(a)

(b)

(c)

8. UNCITRAL
,

9.

9.21 ( )

10. 6
9.21( )

9.28

1.

(a)

(b)

2. 9.18 1 (a)
( )

3.

4. 1

5. 1 9.18 1 (b)
( )

(a)

(b)

(c)

6.

7.

8. 8

9.

(a) ICSID

(i) 120

(ii)

(b) ICSID UNCITRAL
9.18 4 (d) ( )

(i) 90

(ii)

10.

11.
28.7 ( )

(a)

(b) 28.17 ( )

12. 11
ICSID

13. 1 1

9.29

9-D( B
)

9-A

9.6 (                    )

# 9-B

1.

2. 9.7 1 ( )

3. 9.7 1 ( )

(a)

(i)

(ii) [1]

(iii)

(b) [2]

---

[1]

[2]
( )

# 9-C

1. 9.7 ( )

[1]

2. 9.7 ( )

(1)

[2] (2)

---

[1] (Cap.152)

[2] 45/2013/QH13

44/2014/ND-CP

9-D

B ( - )

B

( )

B

( )( )

B

( )

B

) )

B

( )

B

( )

B

(　　)

B

(　　)

B

(　　)

B

(　　)

B

(　　)

B

(　　)

# 9-E[1]

1. 9.8 ( )
18.840

( )

2. 1 18.840
2 49 30%
2

---

[1] 9.8 ) ) 10.12 ) )

# 9-F

## DL 600

1. 600
18.657

(a)
DL600 [1]
DL600 18.657

(b)

(i) DL600
1

(ii) 18.657 [2]
5

(c)

5

2. 1(b) 1(c) 9.8 ( )
DL600 18.657

9 ( )

---

[1] DL600

[2] 20.712 2014 5

# 9-G

1.

A 9.7 (
)
9.18 1 (a) (i)(A) ( )
9.18 1 (b) (i)(A)

2.

A B
9.4 ( ) 9.5 (
)

3. 9.18 4 ( ) 2
B
A 9.4 (
) 9.5 ( )
9.17 2 ( )
270 [1]

---

[1] 2 3 B

## 9-H

1. —— 1975
1989 1998 ( )

)——
B ( - )
28 ( )

2. (R.S.C.1985 c.28(1st Supp.))

B ( - ) 28 ( )

3. ( )
7
B ( - )
28 ( )

4. 2005
B
( - ) 28 ( )

# 9-I

9.11 1 (c) ( )
3

(a) 9.4 ( ) 9.5 ( ) 9.9 (
) 9.10 ( )
9.11 1 (a) ( )

9.4 ( ) 9.5 ( )
9.9 ( ) 9.10 ( )

(b) 9.11 1 (a) ( )

[1]

(c) 90
9.11 1 (a) ( )

---

[1]

# 9-J

1. B
1

(a) 9.18 1 (a) ( )

(b) 9.18 1 (b) ( )

1

2. 1

B

# Lz , 9-K

## ^+U ~ • D 3 ª » Ú Ñ (>÷+iB-

### Pœ •?¯ Ê

X \ • Ê )Pœ •?¯ Ê+O x { C§ 3 ¤ µ È ² 0+cB' ê k PPœ •?¯ ÊF ý ¦ >#å- ÅCt {L$Eî @,´ Ã ~ ¾?ô Ê 8 <H NÍ,´ o Ì G÷C] 8 < ¦ Í ž1\ 9.18 ‘ ( Ô ">ñ+cB' ) C§ ">ñAùB' ÈI X = ¡ ýB +cB' ê 6 ¦ AùB' Ô ">ñ,´ s Y,´ } ; È B N© ">ñ = § 9Pœ •?¯ Ê ) ¾ ">ñ,´ < ? Ä}F ?ô Ê 8 <H NÍ j Ö (a) ) ¾CW (™6<@01È50 7(© [ !n s × (b) ) ¾ = Ñ6<@0 È200 7(© [ !n s × (c) ) ¾ *1• J6<@0 È 6300 7(© [ !n s Ä

# 9-L

## A

1.

9.18 1 (a) (i)(C) ( )

(a)

(i) ICSID ICSID
ICSID

(ii) ICSID
ICSID

(iii) UNCITRAL

(iv) ICC

(v) LCIA

(b) ICSID

(i)

(ii)

2. 9.20 2 (b) ( )

(a) 9.18 1 (a) (i)(A) ( )
9.18 1 (b) (i)(A)
1

(b) 9.18 1 (a) (i)(B) 9.18 1 (b)
(i)(B)

9.18

1

3.

(a) 9.18 1 (a) (i)(A) ( )
9.18 1 (b) (i)(A)
A 9.18 1
(a) (i)(B) 9.18 1 (b) (i)(B)

(b) 1

9.27 ( ) 2 10

B [1]

1. 662 757
“ ”

2. 1

3. 1 9.1 ( )
“ ” [2]

4. 9.1 ( ) “ ”

---

[1] B
9.1 ( ) “ ”

[2] 9.1 ( ) “ ”
(a) (b) (c)
“ ”

C

1. 9.18 ( )

9.18[1] 1 (a) (i)(C) 9.18 1 (b) (i)(C)

(a) 20 21

(b) 98 2

(c) 139 3

(d) 80

(e) 3 2

(f) 3 2

(g) 4 2

(h) 264 2

(i) 3 2

(j) 28 20 312

(a) (i)

2. 1

1 [2]

---

[1] “ ”

[2] 1 2 1

D (c)

“ ” (c)
(R.S.C.1985,c,F-11)