

HANOI LAW UNIVERSITY

INFORMATION ON NEW RESEARCH
FINDINGS OF THE DOCTORAL DISSERTATION

Dissertation title: "The law on standard commercial terms and conditions - Theoretical and practical issues"

Specialty: Economic Law; Code: 62.38.01.07

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Supervisors: Assoc.Dr. Nguyen Viet Ty; Dr. Vu Thi Lan Anh

Training institution: Hanoi Law University

SUMMARY OF NEW RESEARCH FINDINGS

As a research work which systematically and comprehensively focuses on the law on standard commercial terms and conditions (SCTC), the dissertation has made new scientific contributions as follows:

Firstly, based on different approaches to SCTC, the dissertation has developed a concept of SCTC which fully covers common features and forms of SCTC;

Secondly, based on economic and legal doctrines, the dissertation analyses the philosophical basis of the legal control over SCTC, clarifies the causes of the legal control so as not to interfere into the freedom of contract principle. On that basis, the dissertation shapes the content of the law on SCTC and affirms that the law on SCTC does not just involve only the issue of consumer protection as it has been traditionally perceived. The law on control over transactions between companies and involved persons includes provisions on the recognition of SCTC, principles for applying SCTC (when SCTC become a part of the contract), interpretation of SCTC and control over unfair SCTC, and it is applicable to all contracts using SCTC in the course of conclusion;

Thirdly, the dissertation is the first research that systematically, comprehensively and specifically assesses the current situation of the law on SCTC in Vietnam from the content perspective, pointing out inadequacies of the current law and its practical implementation in several sectors;

Fourthly, the dissertation proposes specific directions and solutions for improving the law on SCTC to meet the requirements of developing a healthy business environment of the market economy in the era of international integration of Vietnam. The solutions include the improvement of the contract law, the improvement of the mechanism to control unfair SCTC and the enhancement of the feasibility of the implementation of the law in this area.

INTERNATIONAL
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