

LAO PDR

IP OFFICES

Industrial Property (Patents, Trademarks, Industrial Designs and Copyright)	
Competent Authority	Department of Intellectual Property (DIP), Ministry of Science and Technology
Web site address	Work in progress www.dip.gov.la
Address	P.O. Box: 2279 , Sidamduan Road, Vientiane, Lao PDR
Telephone	IP Service center (856) 21 218 710 Policy and International Affairs Division (856) 21 3 470 (Ext 154)
E-mail	dip.laopdr@gmail.com

MAIN INTERNATIONAL IP CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Instrument	In Force Since
1.	Berne Convention	March 14, 2012
2.	Madrid Protocol	March 07, 2016
3.	Paris Convention	October 8, 1998
4.	Patent Cooperation Treaty	June 14, 2006
5.	WIPO Convention	January 17, 1995

For More Information, please refer to:

https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=10C

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	Originality (art. 92)	Life of author + 50 years	Department of Intellectual Property
Trademarks	Distinctiveness Not in conflict with prior signs Not generic Not descriptive Not contrary to public order/morality Not contrary to art 6ter	10 years renewable	Department of Intellectual Property
Patents & Petty Patents (Utility Models)	Novelty Industrial applicability Inventive step (not for utility models) Disclosure (art. 13, 14 and 21)	20 years (10 years for petty patents)	Department of Intellectual Property
Industrial Designs	Novelty Ornamental (not dictated by the function) (art. 15 and 22)	15 years	Department of Intellectual Property

PATENT SYSTEM	
National Law	Law No. 38/NA of November 15, 2017, on Intellectual Property (applicable to all IP rights) https://wipolex.wipo.int/en/legislation/details/18024
Requirement of Agent for Foreigners	Persons and organizations located in foreign country must appoint an eligible representative in Lao PDR (art. 27).
Language in which request may be filed	Lao and English. The application or documents in English must be translated into Lao within 90 days from the application filing date (art. 37).
Non-Patentable Subjects	<ul style="list-style-type: none"> - Discovery of invention already existed - Diagnostic, therapeutic and surgical methods for the treatment of humans or animals - Microorganisms and any components of natural microorganisms - Plants and animals other than micro-organisms, and essentially biological processes The invention and devices contrary to state peace and social order, health, environments, rules and laws, and national good traditional cultures - living organisms or parts of living organisms that exist in nature - scientific principles or theories - mathematical algorithms - set of rules for doing business or playing games - Contrary to culture and fine traditions of the nation,

	<p>social orders and morale,</p> <ul style="list-style-type: none"> - Damage human, animal or plant life or health or cause serious prejudice to the environment; - Contrary to security and peace of the Lao PDR. <p>(Art 21)</p>
Substantive Examination	Yes. The applicants can request for substantive examination within 32 months for the invention from the application date or the priority date (art. 40 and 41).
PCT international application through the national office of the country as a receiving office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_ib.pdf
PCT international application to the national office of the country as a designated office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/la.pdf

INDUSTRIAL DESIGN SYSTEM	
National Law	<p>Law No. 38/NA of November 15, 2017, on Intellectual Property (applicable to all IP rights)</p> <p>https://wipolex.wipo.int/en/legislation/details/18024</p>
Requirement of Agent for Foreigners	Persons and organizations located in foreign country must appoint an eligible representative in Lao PDR (art. 27).
Language	Lao and English. The application or documents in English must be translated into Lao within 90 days from the application filing date (art. 37).
Non-Registrable Subjects	<ul style="list-style-type: none"> - Outer appearance of an industrial design deriving from its technical nature - Industrial designs contrary to social order and fine traditions of the nation <p>(Art 22)</p>
Substantive Examination	Yes (art. 40)
Designs for a set of Articles	Yes. Each application for industrial design registration shall cover a single industrial design or a series of related designs provided they relate to the same class of the international classification of Locarno (Art. 32).
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	Lao PDR is not a party yet to the Hague Agreement

TRADEMARK SYSTEM	
National Law	<p>Law No. 38/NA of November 15, 2017, on Intellectual Property (applicable to all IP rights)</p> <p>https://wipolex.wipo.int/en/legislation/details/18024</p>
Subjects of Protection	Trademarks for the goods and services, collective marks, certification marks (art. 3)

Requirement of Agent for Foreigners	Persons and organizations located in foreign country must appoint an eligible representative in Lao PDR (art. 27).
Language	Lao and English. The application or documents in English must be translated into Lao within 90 days from the application filing date (art.37).
Non-Registrable Subjects	<ul style="list-style-type: none"> - Any mark not being distinctive, incapable of distinguishing products, goods or services of any person or organization from other persons or organizations. - Marks misleading or deceiving the public as to the source of origin, characteristics or quality including prices or other characteristics of products, goods or services. - Any imitation or counterfeit of a mark causing confusion to consumers or users. - Armorial bearings, flags, or other national emblems, and official signs, hallmarks, abbreviations or full names of towns, municipalities, provinces or capital of the Lao PDR or foreign countries. - Emblems of an international organization or symbols created by international conventions, official seals or symbols of state or international organizations. - Marks that consist of or contain, without authorization, the name, image of a living person. - Marks that consist of or contain, without authorization images of cultural symbols or historical monuments, or the name, image, or likeness of a national hero or a leader, or the mark would be offensive or contrary to the fine traditions of the nation. - Any mark identical with or similar to prior registered trademark for identical or similar products, goods or services. - Any mark contrary to national security, social order, culture and the fine traditions of the nation.(see full list in Art 23)
Well known marks	Art. 16.4 contain a list of criteria to establish if a mark is well known or not.
Substantive Examination	Yes (Art 40).
Publication of Application	After granting the registration, DIP shall publish the registration in the industrial property journal (art. 39).
International application through the national office of the country as an office of origin under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=9166&datafields=9583,9584,9582
International application to the national office of the country as a designated office of designated country under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=9166&datafields=9633,9635,9637,9636,9634,9626,9623,9622,9625,9624,9627,9628,9599,9604,9605,9602,9603,9596,9597,9600,9598,9601,9638,9640,9639,9595,9630,9629,9631,9588,9590,9586,9594,9589,9593,9591,9587,9592,9585,9618,9609,9614,9616,9620,9610,9606,9615,9619,9621,9613,9611,9612,9607,9608,961

COPYRIGHT SYSTEM	
National Law	<p>Law No. 38/NA of November 15, 2017, on Intellectual Property (applicable to all IP rights)</p> <p>https://wipolex.wipo.int/en/legislation/details/18024</p>
Subjects of Protection	<p>Copyright means the right of individuals, legal entities or organizations to their creative works in the domains of art, literature, or science. “Work” means a creative work by an individual legal entities or organization in the domains of art, literature and science shown in any form or method (art. 3).</p> <p>The full list of works covered by copyright is provided in art. 92 and 93.</p> <p>The following items are not copyrightable (art. 94):</p> <ol style="list-style-type: none"> 1. news of the day or miscellaneous facts having the character of mere items of press information; 2. ideas, procedures, methods of operation or mathematical concepts as such; 3. official texts of a legislative, administrative and legal nature, and official translations of such texts.
Moral Rights	<ul style="list-style-type: none"> - Right to first publish or disclose to the public. - Right of attribution (claiming authorship and have its name on the work) - Right to oppose modifications that may bring prejudice to the honor and reputation of the Copyright’ owner <p>See full list in art. 101.</p>
Economic Rights	<ul style="list-style-type: none"> - Reproducing such work in any manner or form including distribution of copies of such works; - Making the translation of such works; - Broadcasting such works; - Communicating such works to the public by any wire or wireless diffusion or by rebroadcasting; - Communicating the broadcast of the work to the public by loudspeaker or any other analogous instrument transmitting by signs, sounds or images; - Etc. <p>See full list in art. 102</p>
Limitation to Author’s Rights	<p>Utilisation of Copyrighted works without permission of the owner:</p> <ul style="list-style-type: none"> - Reproduction of a work for scientific and research purposes; - Making quotations of a work provided they are compatible with fair use, and their extent does not exceed that justified by the purpose; - For the purpose of reporting current events; - Translation of works into Braille characters or other characters for sight disabled persons; <p>See full list and precise wording in art. 115</p>

TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

None at the moment. However a Law on Technology Transfer (No.33/NA) was enacted on 8 November 2017 under Ministry of Science and Technology and technology transfer offices may be established in the future.

ATTORNEYS IN THE COUNTRY

The list will be soon available on DIP official website: dip.gov.la

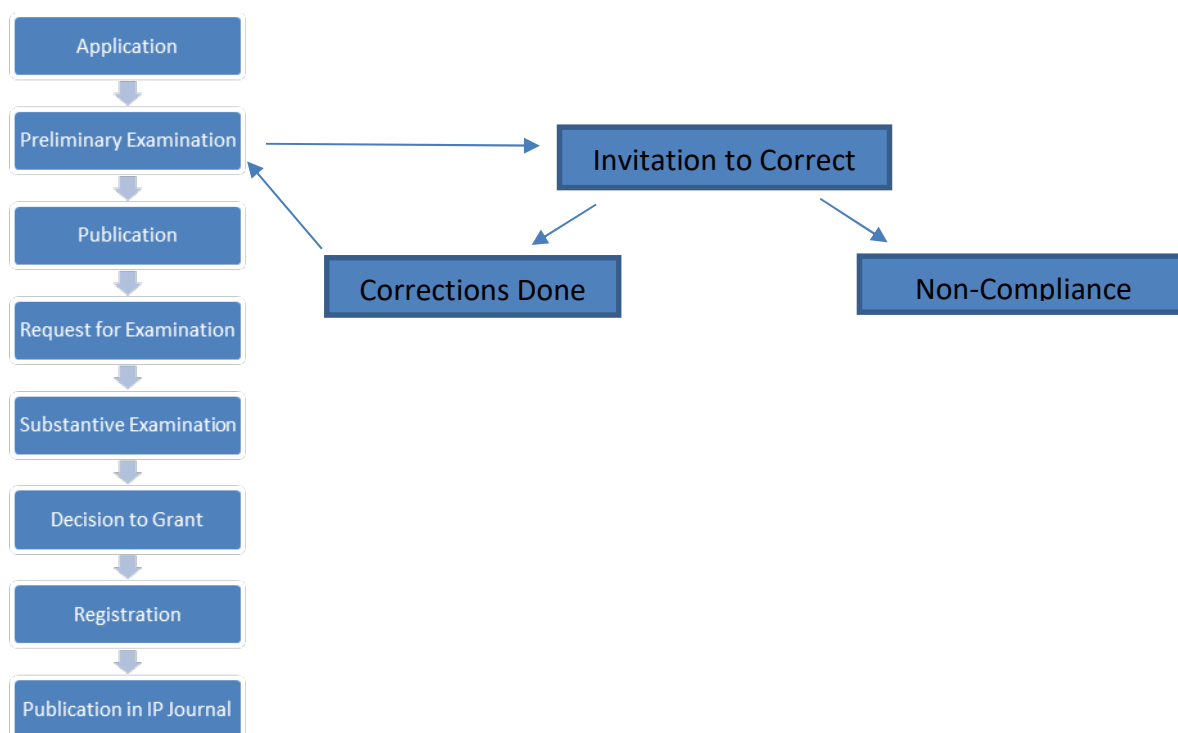
FILING PROCEDURES

Patents

Procedures for Obtaining a Patent in Lao PRD

1. A national application is filed with the Ministry of Science and Technology - Department of Intellectual Property (DIP) in line with the requirements of art. 31.
2. DIP carries out a preliminary examination on the formal requirements in line with art. 38. If the application does not comply the requirements under the law, the DIP invites the applicant to amend the application within 60 days.
3. In line with art. 39, DIP publishes the application in the official industrial property gazette on the 19th month from the application date or the priority date.
4. DIP carries out a substantive examination in conformity with art. 40 and 41. If the application complies with the requirements under the law, DIP issues a registration certificate, records it in the registry, and publishes the registration in the official industrial property gazette, as provided by art. 44.

Flow Chart of Filing Procedure for Patents



Additional information relating to the Procedures for obtaining a Patent in Lao PDR through PCT

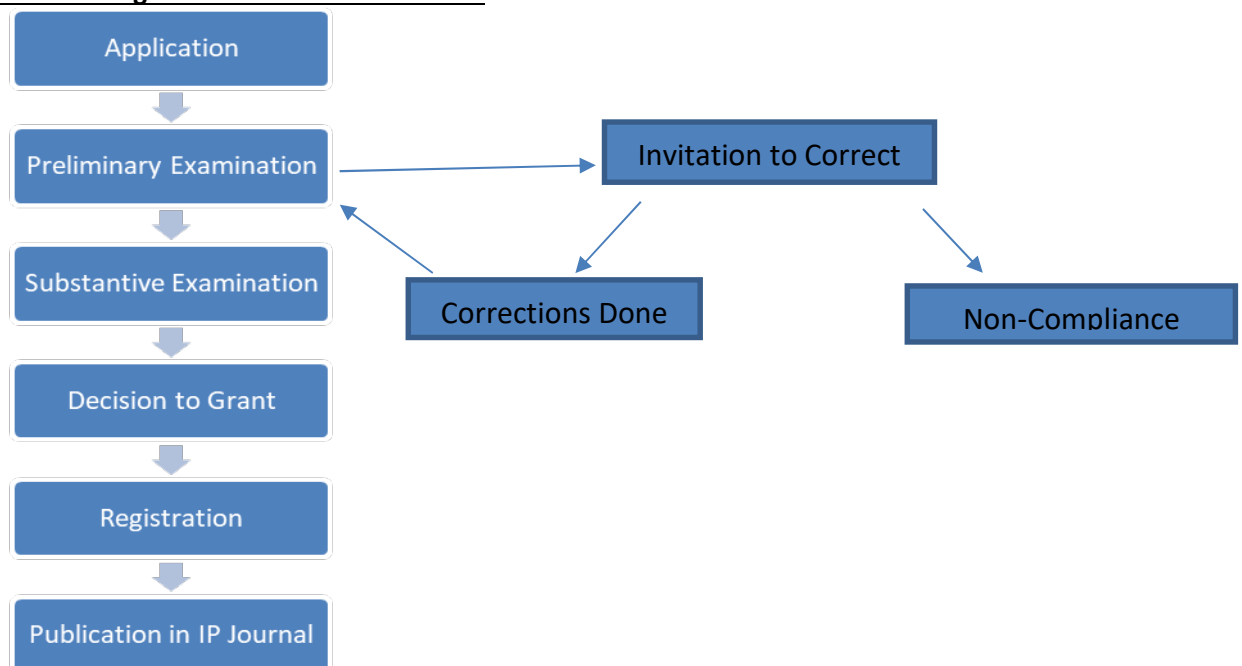
- The time limit for entering the national phase of a PCT application is 31 months from the priority date.
- Special Requirement for the entry into National Phase:
 - Name of the inventor if it has not been furnished in the “Request” part of the international application;
 - Statement or notice as to the applicant’s entitlement to apply for and be granted a patent;
 - Statement or notice as to the applicant’s entitlement to claim priority of the earlier application;
 - Address for service in Lao PDR;
 - Verification of translation, if any.

Trademarks

Procedures for Obtaining a Trademark in Lao PRD

1. A national application is filed with the Ministry of Science and Technology - Department of Intellectual Property (DIP), in line with the requirements of art. 33.
2. DIP carries out a preliminary examination on the formal requirements in line with art. 38. If the application does not comply the requirements under the law, DIP invites the applicant to amend the application within 60 days.
3. In line with art. 39, DIP publishes the application in the official industrial property gazette after the completion of the formality examination for possible oppositions.
4. After the preliminary examination, DIP carries out a substantive examination in conformity with art. 40. If the application complies with the requirements under the law, DIP issues the registration certificate, records it in the registry, and publishes the registration in the official industrial property gazette, as provided by art. 44.

Flow Chart of Filing Procedures for Trademarks



Industrial Designs

Procedures for Obtaining an Industrial Design in Lao PRD

1. A national application is filed with the Ministry of Science and Technology - Department of Intellectual Property (DIP), in line with the requirements of art. 32.
2. DIP carries out a preliminary examination on the formal requirements in line with art. 38. If the application does not comply the requirements under the law, DIP invites the applicant to amend the application within 60 days.
3. In line with art. 39, DIP publishes the application in the official industrial property gazette after the completion of the formality examination for possible oppositions.
4. After the preliminary examination, DIP carries out a substantive examination in conformity with art. 40. If the application complies with the requirements under the law, DIP issues the registration certificate, records it in the registry, and publishes the registration in the official industrial property gazette, as provided by art. 44.

Flow Chart of Filing Procedures for Designs

