

LAOS

INTELLECTUAL PROPERTY HANDBOOK

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Legislation

Prime Minister's Decree on Trademarks No 06/PM (1995)

Definition

A trademark is a sign used for the purpose of indicating a connection between a person having the right to use the sign and his goods or services. A sign includes words, logos, labels, names, letters, numbers or a combination of the above.

Criteria

A trade mark has to fulfil the following conditions in order to claim protection:-

- it must be distinctive
- it cannot be generic
- it cannot be deceptively similar to a previous or existing trademark.
- it cannot be a geographical name or surname
- it cannot be deceptive or confusing
- it cannot be scandalous or offensive
- it cannot have direct reference to the character or nature of the goods/services

Membership

✓ - Paris Convention

✓ - Madrid Protocol

Laos is a member of the Paris Convention from 1998, whereby applications from convention countries will be subject to the same priority date in Laos. The application for priority has to be made within six months of the first application in a convention country.

Rule of Priority

"First to File" is the rule followed by Laos in determining priority of trademarks.

Duration and Renewal

A trade mark once registered is valid for a term of 10 years and can be renewed every 10 years. A 6-months grace period is allocated after the expiry date for the renewal. Once the expiry date has passed, the trade mark will no longer have the benefit of any rights arising from registration.

Procedures

Application

Every applicant is required to submit an application with the Laos Intellectual Property Office.

Substantive Examination

Is conducted to identify any prior registered mark which are identical with/or similar to the claimed mark.

Registration

The duration of registration takes a minimum period of 9-12 months from filing date. The registration is effective from date of application.

Filing Requirements

The following information and/or documents are required to file an application for a trademark application in Laos:-

- Application form.
- Power of Attorney.
- Twenty (20) clear copy of the mark.
- The full name, nationality and registered address of the applicant.
- A list of goods or services (which closely follow the Nice International Classification).
- For marks that contain non-English words, a certified transliteration and translation.

Documents To Be Furnished For Filing Trade / Service Mark Application

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Signed and notarized	A copy on filing date with the original to be submitted within one month
Mark	not larger than 8cm x 8cm	On filing date
(If applicable) Additional Documents for Claiming a Conventional Priority		
Documents	Remarks	Time of Filing
Priority documents	Notarized	A copy on filing date with the original to be submitted within one month
(if applicable) Documents for Filing a Request of Records of Assignments		
Documents	Remarks	Time of Filing
A Power of Attorney	Notarized	On filing date
Photocopy of Certificate of Trademark registration		On filing date
Original notarized/certified copy of the Trademark Assignment Agreement	Notarized	On filing date
(if applicable) Documents for Filing a Request of Records of Changes		
Documents	Remarks	Time of Filing
A Power of Attorney	Notarized	On filing date
Photocopy of Certificate of Trademark registration		On filing date
Original Declaration of Change of Name/Address of legal document showing the change of name/address	Notarized	On filing date
(If applicable) Documents for Filing an Opposition of Counter-Statement (Deadline for Applying is during 3 Months Publication Period of the Trade Mark Application to be Opposed)		
Documents	Remarks	Time of Filing
A Power of Attorney	Notarized	On filing date
Affidavit of use	Notarized/Certified	On filing date
Evidence of use of the mark in Laos (such as bill of lading, packages, advertising and/or promoting materials, brochures, photographs, etc.)	Notarized	On filing date

In Laos, patent protection is obtainable by way of either entering the national phase of a PCT application or filing a direct national application.

Legislation

Decree No. 01/PM on Patent, Petty Patent and Industrial Designs.

Patentability Criteria

A patent has to fulfill the following conditions in order to claim protection.

- it is new
- it involves an inventive step
- it is industrially applicable

Non-Patentable Subject Matter

- discoveries, scientific theories and mathematical methods,
- schemes, rules or methods for doing business, performing mental acts or playing games,
- methods for the treatment of the human or animal body by surgery or therapy, and diagnostic methods practiced on the human or animal body;
- pharmaceutical products as provided in Article 136 of this Law;
- plant or animal varieties or essentially biological processes for the production of plant or animals,
- plant varieties.

Petty Patents

The Laos patent system also provides for the grant of petty patents (utility model). A petty patent must fulfill the criteria of novelty and industrial applicability (but not inventiveness). Validity of a petty patent is 10 years from the official filing date in Laos and can be extended one time for a period of 2 years, provided that annual maintenance fee is paid. The maximum term of protection 12 years.

Membership

- ✓ - Paris Convention
- ✓ - PCT

Laos is a member of the Paris Convention from 1998, whereby applications from convention countries will be subject to the same priority date in Laos. The application for priority has to be made within six months of the first application in a convention country.

Laos is also a member of the PCT since 2006. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Laos within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

Rule of Priority

"First to file" is the rule followed by Laos in determining priority of patents.

Duration

The duration of protection is 20 years from the official filing date, provided that annual maintenance fee is paid.

Procedures

▼ Application

Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

Time from the filing to granting date is 50 months (as for Patent) and 12 months (as for Petty Patent).

Where the application fulfils the requirements, the Registry shall accord as the filing date, the date of receipt of the application.

If the application did not fulfill the requirements, the registry shall invite the applicant to file the required correction and shall accord as the filing date, the date of receipt of the required correction but if no correction is made, the application shall be treated as if it had not been filed.

▼ Examination

After examination, and the conditions are satisfied, the Registry shall notify the applicant to pay the prescribed fee, publishes to the public and issues a certificate of the grant of the patent.

Filing Requirements

The following information and/or documents are required to file an application for a patent application in Laos:-

Direct National Application:-

- Application Form:-
 - △ the name and address of the applicant;
 - △ the name and address of the inventor;
 - △ title of the invention/petty invention; and
 - △ country, application number and filing date of the original foreign application from which priority is claimed (if priority is claimed).
- Appointment of Patent Agent.
- Filing of an assignment from inventor to applicant.

PCT National Phase Application:-

- A copy of the PCT application in English language (i.e. request form PCT/RO/101);
- The details of the PCT application (suitably, the bibliographic page as published by WIPO);
- One copy of the PCT specification as originally filed (in or translated to English);
- One copy of any amendments filed in the international phase (in or translated to English);
- An Appointment of Agent form signed by the applicant; and
- If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.

Documents To Be Furnished For Filing A Patent Application in Laos

Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification including description, claims, abstract	2 copies	On filing date
Drawings	2 copies (If Any)	On filing date

Additional Documents for Convention Patent Application		
Documents	Remarks	Time of Filing
Certified priority documents	Convention priority can be claimed within 12 months from the first filing date of a foreign application.	On filing date
Search report of the invention issued by any patent examiner of the foreign country or by relevant international organization	Certified copy of the basic patent application	On filing date
Power of Attorney	Notarized	On filing date
Deed of Assignment	Notarized	On filing date

Documents for Entry of PCT National Phase in Laos	
Documents	Time of Filing
Details of the PCT application	On filing date
International preliminary examination report	On filing date
International search report	On filing date
Notification of recording of a change	On filing date
Amendments file in the international phase	On filing date

Legislation

Decree No. 01/PM on Patent, Petty Patent and Industrial Design.

Definition

Industrial design is appearance of a product expressed in shapes, lines, dimensions, colors or any combination thereof.

Criteria

The general requirements for a design to be eligible for protection are:

- novelty;
- it involves inventive step;
- it is susceptible of industrial application.

Rule of Priority

Applications for priority have to be made within six months from the earliest date of filing.

Duration and Renewal

The duration of protection is 5 years from the official filing date in Cambodia. Thereafter, the registration may be renewed every 5 years up to a maximum of 15 years.

Procedures

▼ Application

The entire duration for obtaining a Patent for design will take approximately 12 months as of the official filing date.

Where the application complies with the requirements, the Registry shall accord the time and date of filing.

If the application did not fulfill the requirements, the Registry shall suggest the applicant to file the required correction and shall accord the time and date of filing, the date of receipt of the final required correction.

▼ Publication

After examination, fulfils that the all conditions of this Decree the Registry shall notify the applicant to pay the prescribed fee and shall issue a certificate of the industrial design which shall be published to the public or shall be published by a request reflected the application for registration pursuant to Article 32 of this Decree.

▼ Registration

The entire duration for obtaining a Patent for design will take approximately 12 months as of the official filing date.

▼ Renewal

An industrial design shall expire 5 years after the filing date of the application and may be renewed for two continuous periods and each period takes 5 years where the application for renewal shall apply during 90 days before the expiry.

Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Laos:-

- Application form:-

- Δ the name and address of the applicant.

- Δ description of the industrial design, comprising of:-

- (i) the name of the article to which the industrial design is applied;
 - (ii) the field of using articles to which the industrial design is applied;
 - (iii) stating the salient features of design to which the registration is sought.

- Δ a statement justifying the applicant's rights to the registration of the industrial design, if the creator himself is not the applicant.

- Power of Attorney.

- Six sets of representation of the design (drawings or photographs).

- Priority documents and certified English translation (if necessary) of the priority document.

Documents To Be Furnished For Filing An Industrial Design Application in Laos

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Signed by applicant and notarized by the Notary Public	On filing date
Deed of Assignment	(if applicable) Signed by applicant and notarized by the Notary Public	On filing date
Drawing / Photographs	7-view orthographic drawings or photographs (must exhibit white background and be in grayscale) - front, back, left, right, top, bottom and perspective view. Dimension of representation should not be less than 90mm x 120mm and not exceeding 210mm x 297mm.	On filing date

Additional Documents for Claiming Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Certified	On filing date

**MALAYSIA
OFFICE**

Kuala Lumpur / Corporate Office

Pintas Consulting Group Sdn Bhd (461057-W)

Adds: Suite 2B-21-1, Level 21, Block 2B, Plaze Sentral,
Jalan Stesen Sentral 5, KL Sentral, 50470 Kuala Lumpur,
Malaysia.

Selangor / Correspondence Operation Office

Adds: No.19, Jalan SS 1/36, 47300 Petaling Jaya, Selangor.

Tel: +603-7876 5050

Fax: +603-7876 2678

H/P: +6012-797 5077

Email: marketing@pintas-ip.com

**SINGAPORE
OFFICE**

Pintas Pte Ltd (20010467111)

Adds: Suite 12-14, Manhattan House, 151 Chin Swee Road,
Singapore 169876.

Tel: +65-6250 2070

Fax: +65-6737 1805

H/P: +65-9747 2579

Email: pintas.sg@pintas-ip.com

**CHINA
OFFICE**

Pintas Inc (Customer Service Office)

Adds: Room1811, 18th Floor, Far East Tower,
No. 1101 Pudong Road (s) Pudong, Shanghai,
200120, China.

Tel: +86-21 32180770

Fax: +86-13 022176477

Email: pintas.china@pintas-ip.com

**USA
OFFICE**

Pintas LLC (Customer Service Office)

Adds: P.O. Box 190943, Boise, Idaho
83719-0943, United States of
America.

Tel / Fax: +1 208 899 8528

Email: pintas.usa@pintas-ip.com

**BRUNEI
OFFICE**

Pintas Consulting Group (Customer Service Office)

Adds: P.O.Box 18, Anggerek Desa Complex,
BB3780 Brunei Darussalam.

Tel: +673-873 8478

Fax: +673-245 2112

Email: pintas.brunei@pintas-ip.com

E: marketing@pintas-ip.com

www.pintas-ip.com