

## CONTACT DETAIL



### Department of Intellectual Property, Ministry of Industry and Commerce

Tel: +85621 213470-154

Email: [dip.laopdr@gmail.com](mailto:dip.laopdr@gmail.com) (Policy and International Division)

### Lao Customs Department, Ministry of Finance

International Cooperation Division

Tel: +85621 223524

Email: [clartelaos@gmail.com](mailto:clartelaos@gmail.com)



Website: [www.ariseplusipr.eu](http://www.ariseplusipr.eu)

Email: [Arise+IPR@euipo.europa.eu](mailto:Arise+IPR@euipo.europa.eu)

Facebook: [facebook.com/EUIPcooperation](https://facebook.com/EUIPcooperation)

Twitter: @EUIPcooperation

LinkedIn: [linkedin.com/company/euipcooperation/](https://linkedin.com/company/euipcooperation/)

Youtube: EU International Intellectual Property Cooperation



*The leaflet was elaborated by ARISE+ IPR in cooperation with the Department of Intellectual Property, Ministry of Industry and Commerce, Lao's People Democratic Republic; and with the assistance of Tilleke & Gibbins. The content of the leaflet is the sole responsibility of the ARISE+ IPR project and can in no way be taken to reflect the views of the European Union or the European Union Intellectual Property Office (EUIPO) – May 2021.*

## IP ENFORCEMENT

### What should I do when I recognise that my IP rights have been violated?

When the IP rights have been violated, the right owner may take legal actions to protect the IP rights by two actions: administrative IP dispute resolution and judicial actions.

IP right owner may file the request with provincial and capital Department of Industry and Commerce or Department of Intellectual Property to handle the administrative IP dispute resolution by mediation or arbitration by administrative IP dispute resolution committee.

For judicial actions, the IP right owner may file a suit to the People's Court for court proceeding.

### What enforcement agencies are responsible to protect IP rights in Lao PDR?

The agencies for enforcement of IP rights are following central and local sectors:

- Industry and Commerce (domestic trade);
- Public Security (Economic Police);
- Finance (Customs);
- Public health;
- People's Court;
- Prosecution
- Other enforcement agencies.

### What enforcement measures can be taken to prevent or stop IP infringement?

Enforcement measures to prevent or stop IP infringement are as follow:

1. Civil measure: the infringer must compensate to the IP right owner;
2. Criminal measure: the infringer must be fined and imprisoned as the case may be;
3. IP infringement measure at the border checkpoint: the customs officers can act ex officio to inspect and seize suspicious goods which violate trade mark, copyright and related rights.

### What procedures must be followed to request handling of IP infringement?

IP owners may download the request form for administrative IP dispute resolution on the DIP IP Portal at [www.dip.gov.la](http://www.dip.gov.la) fill in the prescribed request form and file with DIP, Ministry of Industry and Commerce, or provincial and capital Department of Industry and Commerce with payment of fee and charge.

### What legal remedies are available to IP holders whose rights have been infringed?

IP owner may claim for following legal remedies:

- Compensation of the damage caused by infringer in case of civil case;
- Fine 1% of the value of the damages incurred to infringer who intentionally commit or unintentionally commit a second or subsequent violation. Fine 5% of the value of the damages incurred for each violation to infringer who intentionally commit a second or subsequent violation;
- Imprison from 1 to 3 years or disciplinary without imprison and fine LAK 5 to 20 million to the infringer in case of criminal case;
- Imprison from 2 months to 2 years and fine LAK 5 to 10 million for making, selling the counterfeited or imitated goods, imprison from 1 to 3 years and fine LAK 10 to 50 million for accustomed act, acting in group or serious infringement case, to the infringer.

### What evidence is needed to demonstrate IP infringement?

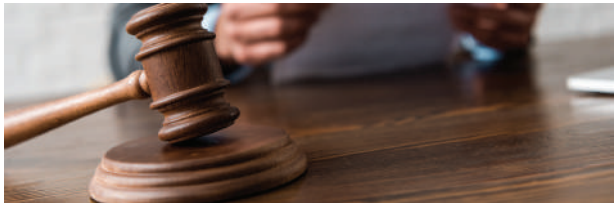
When request for the IP infringement resolution, IP owner may include following evidences:

- IP registration certificate;
- Power of Attorney, in case of filing via representative;
- Photos or samples of infringed good;
- Other information or evidence.

### What alternative dispute resolution options are available, besides the court?

Beside filing a suit with court, IP owner may choose administrative actions by mediation at the DIP, Ministry of Industry and Commerce, or provincial and capital Department of Industry and Commerce. In addition, IP owner may also request for IP infringement resolution to the Economic Dispute Resolution Centre (EDRC), Ministry of Justice.

IP owner may also request for dispute resolution on counterfeit or pirated goods at the border checkpoint with the customs officers. For the administrative remedy procedures for IP dispute resolution at the border checkpoint are defined in the regulation provided by finance sector.



# TRADE MARKS

## What is a trade mark?

A trade mark is a sign used to distinguish the goods or services of right owner from those of others. A sign can be in the form of words, letters, numerals, and figurative elements, a shape, three-dimension picture, motion picture, package of products, combination of colours and it can be a combination of these forms.



## How can you protect your trade mark in Lao PDR, and what rights are conferred on the owner of a registered trade mark?

You can protect your trade mark by filing application for registration with Provincial and Capital Department of Industry and Commerce or filing online application (to be launched in 2022). Filing for international trade mark registration through Department of Intellectual Property (DIP), Ministry of Industry and Commerce You can download the application form for trade mark registration on DIP's IP Portal at [www.dip.gov.la](http://www.dip.gov.la) In order to obtain a trade mark registration, a trade mark shall meet the following requirements:

- 1. it must be distinctive and distinguishable with others trade mark;
- 2. it must not be identical or similar with the registered trade mark;
- 3. it must not identical or similar with the well-known mark or geographical indications;
- 4. it must not contain characteristics prohibited such as the nature of mark is of a fake or fraudulent; not contain of national symbols, name of towns, cities and countries; not contain of state or international organization's symbols; not contradict with the national security, public orders, culture and find tradition of the nation as defined in Art.23 of IP Law.

Once a mark is registered, the owner has the following rights:

- 1. to prevent others from using the same or similar trade mark;
- 2. to prevent others from advertise, sell, import or export the goods that bearing that trade mark;
- 3. to protect the right against trade mark infringement by others such as to institute court action and right to compensation from damages caused by others.



## What acts are considered trade mark infringements?

Acts considered as trade mark infringements are as follow:

- 1. the use of identical or similar trad mark of the trade mark owner which would likely cause confusion among the public;
- 2. the advertisement, sale, import or export of counterfeit goods.

## What constitutes 'use' of a trade mark?

A trade mark is 'used' when the trade mark is applied to goods or services by the owner or by others with authorisation for the purpose of advertisement, sale, offering for sale of goods or services or any other legal use bearing the trade mark.

## What types of contract exist for the use of trade marks?

Trade mark owners can authorise others to use their registered trade mark by means of a licence agreement, distribution agreement or franchise agreement. The right owner must notify the DIP to record the licence agreement to enable the licensee to act on behalf of the licensor to take legal actions, in order to protect such trade mark.

# INDUSTRIAL DESIGNS

## What is an industrial design?

'Industrial design' means the form or shape of the product to be created, which includes the shape, pattern, line, and colour, etc.

## How can you protect your industrial design in Laos?

You can protect your industrial design by filing application for registration with Provincial and Capital Department of Industry and Commerce or filing online application (to be launched in 2022). You can download the application form for industrial design registration on DIP's IP Portal at [www.dip.gov.la](http://www.dip.gov.la)

## Which objects can and cannot be registered as industrial designs?

In order to obtain an industrial design certificate, an industrial design must meet all the following requirements:

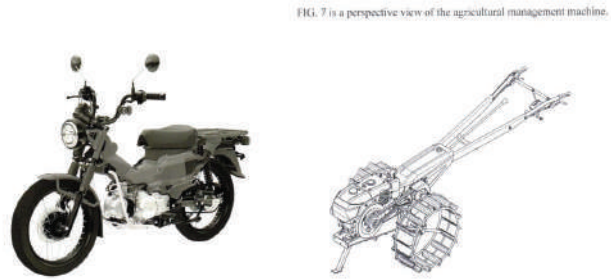
- 1. It must be new: It has not been disclosed to the public by publication or by use or display or exhibition, or in any other means in Lao PDR or any place in the world prior to the date of filing the application for registration or prior to the priority date of the application for registration.
- 2. It must be ornamental: It gives a special appearance to the object to which the design is applied or in which it is embodied. As defined in Art. 14 of IP Law.

The following designs are ineligible for industrial designs registration:

- 1. A design whose appearance is dictated by technical features of the object to which the design is applied or in which it is embodied.
- 2. A design that is contrary to public order and the fine traditions of the nation. As defined in Art. 22 of IP Law.

## What acts are considered industrial design infringements?

Acts considered as trade mark infringements are making, selling or importing articles bearing or embodying an industrial design which is a copy or imitation of the protected design for commercial purpose without authorization by the right owner.



# GEOGRAPHICAL INDICATIONS

## What is a geographical indication?

A geographical indication (GI) is a sign apply to goods to indicate the specific geographical origin of goods where a given quality and reputation, or other characteristic of the goods, are essentially attributable to the goods' geographical origin.



## What are the differences between geographical indications and trade marks?

The main differences between GI and trade marks are:

- A GI must relate to goods that originate from a particular geographic area. These goods have particular characteristics, which make them unique and different from the good withsame nature producing in other area. GIs for goods cannot be applied if they are not from the specific geographic area, or associations representing the GI.
- A trade mark is a sign that identifies goods or services of right owner from those of others. A trade mark is not linked to a specific geographic area, but only to its owner.

## When does a geographical indication become a generic name?

The name of GIs will become generic name in Lao PDR when that GI gains reputation and the public use such name as a common name of goods for long time that have become accustomed or become customary names of goods in Lao PDR.

## What acts are considered geographical indication infringements?

GI infringements include:

- The use of GIs with goods of others without duly authorisation by the GI owner;
- The use of GIs to apply in a trademark;
- The advertisement, sale, import or export goods bearing GIs without duly authorisation by the GI owner, or including GI in a trademark;
- Any use of a GI that is made with the view to mislead consumers as to the origin of the goods.