

LAO PEOPLE' S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

The Prime Minister's Office
Science Technology and Environment Agency

No: 466 /STEА-PMO
Vientiane, 7 March 2002

Regulation
on Registration of Trademarks

- Based on the Decree of the Prime Minister No. 06/PM dated 18 January 1995 on Trademarks;
- Based on requirements for trademarks registration and to unanimously manage the use of the trademarks in goods and services in the Lao PDR;

The President of Science, Technology and Environment Agency regulates:

SECTION I
General Provisions

Article 1 : This regulation sets forth the unanimous management of the registration of trademarks, which are being used in conjunction with the goods and services throughout the country.

Article 2 : The classification of goods and services for trademark registration shall be referred to the international classification of goods and services outlined in the Nice Agreement, last version.

Article 3 : Individuals or legal entities engaged in a lawful production, commercial and service activities wishing to register their trademarks should contact the Science, Technology and Environment Agency.

Article 4 : Individuals or legal entities of foreign countries requesting to register trademark must apply through an authorized representative in the Lao PDR.

Article 5 : In case of contention made by individuals or third party for reason of five consecutive years of non-use of the registered marks in the Lao PDR, the Science, Technology and Environment Agency may authorize the rights to register such trademark to other party unless reason for non-use of the marks is sufficiently submitted.

SECTION II
Trademarks Registration Formalities

Article 6 : Each application for trademark registration shall be only used for registration of a trademark on such a class.

Article 7 : The application for registration of trademark shall contain:

1. An application for the registration of trademark (in compliance with the application form of the Registry Unit);
2. 10 specimens of the mark presented on good quality paper by drawn or printed images, photos or photocopies. The size of the specimens shall not be less than 4x4 cm and not be more than 8x8 cm. In case of mark, which consist of one color or several colors, such a color or colors shall be clearly identified;
3. A power of attorney (if the application for trademark registration is applied through an authorized representative);
4. Documents evidencing the filing date of the application for trademark registration is first file in foreign country (in case that the priority date is claiming for in accordance with the Paris Convention on the Protection of Industrial Property, last version);
5. The rules governing the use of the mark (in case of the collective mark);
6. The receipt of the prescribed charges for trademark registration and other services.

Article 8 : In case where the trademark owner requested to apply for trademark registration in several classes at the same time, the photocopies of related documents can be reproduced and attached to other applications for trademark registration in such class. But those photocopied documents must clearly bear the filing number and date of the application for trademark registration where the original documents are attached.

Article 9 : In case where the trademark owner has several trademarks to apply for registration at the same time, the applications for trademark registration must be filed separately; but the attached documents in one of those applications shall be original and for other separate applications the photocopies of related documents can be used, which must clearly bear the filing number and date of the application for trademark registration where the original documents are attached.

Article 10 : After receiving the application for trademark registration, the Registry Unit will check the application for formalities in conformity with article 7 of this Regulation and issue an official receipt with filing number and date. In case the application for trademark registration is not complete, the Registry Unit will inform the applicant for amendment but the filing number and date can only be issued on the date the complete and correct application is submitted.

Article 11 : Within 6 months starting from the filing date of the application for trademark registration or the date the Registry Unit confirms the filing number and date, the Registry Unit will undertake the substantial examination, issue the certificate of registration, record the mark on the Trademark Registry and publish the registered mark on the Official Trademark Gazette.

In case the application for trademark registration is rejected, the Registry Unit will notify in writing the applicant and authorizes applicant to file arguments and evidence in relation to the rejection with the Registry Unit within 90 days from the date of the rejection notice. The prepaid fee for the application for trademark registration will not be returned to the applicant.

Article 12 : During the examination period, the applicant can apply for amendment of the application for trademark registration in written form to the Registry Unit.

Article 13 : Any change or amendment of the trademark registration can be made only upon the request of the trademark owner to the Registry Unit, to which the application shall contain:

1. A request;
2. A power of attorney (if the application for trademark registration is applied through an authorized representative);
3. The receipt of the prescribed charges for amendment of trademark registration.

Article 14 : The owner of trademark can assign the rights to use of his or her mark to any individual by submitting relevant documents to the Registry Unit, to which the application for assignment of the trademark shall contain:

1. A request;
2. A deed of assignment duly signed by the assignor and the assignee in conformity with the law and regulations with relevant documents;
3. A power of attorney (if the application for trademark registration is applied through an authorized representative);
4. The receipt of the prescribed charges for assignment of trademark.

Article 15 : Individuals or legal entities can apply for obtaining the information on trademark search with the Registry Unit, to which the application shall contain:

1. A request;
2. The receipt of the prescribed charges for trademark information.

Article 16 : Individuals or legal entities can apply for cancellation of a registered trademark with the Registry Unit, to which the application shall contain:

1. A request;
2. The receipt of the prescribed charges for cancellation of trademark.

SECTION III

Renewal of Trademark Registration

Article 17 : The registered trademark can be renewed within 6 months prior to the expiration of the certificate of registration, to which the application shall contain:

1. An application for renewal (in compliance with the application form of the Registry Unit);
2. A power of attorney (if the application for renewal is applied through an authorized representative);
3. A copy of the certificate of registration;
4. The receipt of the prescribed charges for renewal of trademark registration.

Article 18 : Within 3 months starting from the filing of the application for renewal of trademark registration, the Registry Unit will issue the certificate of renewal, record in the Trademarks Registry and publish the renewal of trademark on the official Trademark Gazette.

Article 19 : In case the renewal of trademark registration is not submitted on time with the Registry Unit, the trademark owner still has the right to apply for renewal of the registered trademark with submission of reason for delay, but the delay would not be exceeded 6 months from the date of expiration of the certificate of registration.

SECTION IV

Official fees and resources derived from registration

Article 20 : The fees for trademark registration or renewal are divided into two categories such as official fees and services fees and the details are as follow:

Official fees:

1. Official fee for trademark registration or renewal 80 USD per 1 mark.

Regular services fees for trademark registration or renewal:

1. Consultation 5 USD per 1 mark.

2. Verification of goods or services classification 5 USD per 1 mark.

3. Application form for trademark registration or renewal 2 USD per 1 mark.

Irregular services fees as per request:

1. Report of trademark search 10 USD per 1 mark.

2. Amendment of application for trademark registration 10 USD per 1 mark.

3. Assignment or licensing of trademark 40 USD per 1 mark.

4. Cancellation of trademark registration 20 USD per 1 mark.

5. Duplicate of the certificate of registration or renewal 10 USD per 1 copy.

6. Issuance of certified document relating to the trademark registration or renewal 5 USD per 1 copy.

Article 21 : In addition to the official fees for trademark registration or renewal, the Registry Unit is asked to gather a contribution fund from the owner of trademark for the publication of the result of the trademark registration or renewal 20 USD per 1 mark.

SECTION V

Settlement of dispute arising from trademark registration

Article 22 : Individuals or legal entities of registered trademark can apply for settlement of dispute relating to the infringement of his or her registered trademark with the Science, Technology and Environment Agency.

Article 23 : Individuals or legal entities of registered trademark has rights to propose the method of settlement of dispute and claim for damage from other person who infringes the trademark rights with the appropriate approval by the Science, Technology and Environment Agency and other relevant institutions.

Article 24 : In case the infringement cannot be settled by means of mediation, the Science, Technology and Environment Agency in coordination with other relevant institutions will issue a memorandum regarding the mediation among the parties that can be used as evidence for submission to the court proceeding for final decision.

SECTION VI

Final Provisions

Article 25 : The Department of Intellectual Property Standardization and Metrology shall be responsible for organizing the drastic implementation of this regulation.

Article 26 : This regulation enters into force on the date of its signature and other previous rules which are contrary to this regulation shall be cancelled.

President of Science, Technology
and Environment Agency

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