

**Lao People's Democratic Republic**  
Peace Independence Democracy Unity Prosperity

National Assembly

No.        / B.E.  
City of Vientiane, Date

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**Intellectual Property Laws**

**Chapter 1**  
**General Provision**

**Section 1: Objectives**

This law is issued to define rules, regulations and measures concerning the promotions of creativities, inventions, economic wisdoms, the protections and guardedness of intellectual property rights, to guarantee the benefits of the intellectual property's owner and of the society; the promotions of scientific and technology research and development, technology transfer in the country and from foreign countries; the promotions of trade, investment and the ability in competitions for the country's economy in globalization era, efficiently. All above are to make the country into an industrialized and civilized country, rapidly.

**Section 2: Intellectual Property**

Intellectual property is a work conceived from human wisdom created and invented valuably and usefully in economic benefits in social development.

**Section 3: Definition**

The terminologies in this intellectual property laws shall mean as follows:

1. **"Intellectual property rights"** is a right of person or organization relating to intellectual property.
2. **"Industrial property"** is a work derived from human wisdom created for use in the fields of industry, agriculture, fishery, trade and services.
3. **"Industrial property rights"** is a right of person or organization relating to inventions, devices, industrial designs, trademarks, integrated circuits, source of origins and trade secrets.
4. **"Patent"** is an official document from the state organization issued to protect the invention.
5. **"Invention"** means making use of technology method for producing products or new producing process in solving particular problem.
6. **"Petty patent"** is an official document from state organization issued to protect devices.

7. **“Device”** is newly invented work derived from the technical development using technology not high as invention.
8. **“Industrial design”** is a pattern or shape of product to be produced consisting of shape, design, drawing, colors and etc.
9. **“Mark”** is any sign which may be picture, word, letter, numeral, signature, person’s name, color, shape or configuration of an object or any one or combination thereof and others for use or to be used as trademark.
10. **“Trademark”** is a sign defined in item 9 in this section, for use with the goods and services and to distinguish one goods and service from other goods and services.
11. **“Collective mark”** is a trademark for collectively using by enterprises in the same group or by members of association, cooperative, state or private organization or group of persons.
12. **“Certification mark”** is a trademark, the owner of which allows other person or organization to use with the goods or services of other person or organization to certify the characteristics associated with source of origins, raw materials and methods for producing goods or methods for providing services, kinds, quality, safety; or other characteristics of goods or other methods for providing services, kinds, quality, safety; or other characteristics of goods or services.
13. **“Well-known trademark”** is a trademark extensively and generally recognized in the territory of Lao PDR, in any country, in any region and in the world.
14. **“Trade name”** is a name of enterprise for use in running business to distinguish one enterprise from other enterprise in the same field of business.
15. **“Integrated circuits”** is a product in a final or an intermediate form performing an electronic function consisting of elements which can stimulate an electronic reaction.
16. **“Layout-design”** is any design or image made in any form consisting of integrated circuits connected to each other becoming a layout-design.
17. **“Source of origins”** is a sign for use in indicating the origins of country, area, locality or particular area of any product which making such products good quality and well-known.
18. **“Trade secret”** means information not yet known or not yet generally used such as formulas, production method or any information capable for use in operation of business enabling the owner advantages over his competitor.
19. **“Plant variety”** means group of plants having identical or similar breeding and plant life characteristics and having particular characteristics different from other plants in the same kind, consistent and dexterous in breeding.
20. **“New plant variety”** is an adaptation or development of breeds by using genetic engineering or biotechnology into a new plant variety which has never existed in nature.
21. **“General domestic plant variety and wild plant variety”** is a native plant variety having particular characteristics and worthiness for use in several native areas in the country or in the forest.
22. **“Local domestic plant variety”** is a plant variety having particular characteristics and worthiness for use in any area in the country.

23. **“Rights over new plant variety”** is a right of person or organization over the adapted or discovered plant variety developed by genetic engineering or biotechnology.
24. **“Rights over local domestic plant variety”** is a right of community consecutively domiciling in particular local area who cooperate in conserving, maintaining or developing the breeding in such local area.
25. **“Copyrights”** is a work conceived from human wisdom created in relation to artistic works and literary works including scientific works.
26. **“Rights relating to copyrights”** is a right of person or organization in relation to copyrights in the field of performance, sound-image recording and broadcasting programs or decoded satellite programs.
27. **“Work”** means a work of creation of person or organization in the field of artistic works, literary works and scientific works appeared in any form.
28. **“Derivative works”** is a work of translation from any language to Lao language or into other languages or from Lao language into other languages modified, adapted, transformed, compiled, defined or explained from the selected or elected works.
29. **“Printed works, publicized works and recorded sound-image”** is a work or sound-image recording publicized to public in an appropriate number of copies to which the owner of the copyright or the related rights thinks fit.
30. **“Reproduction”** means a reproduction of work or sound-image recording in a number of copies or many copies by any means including maintenance of the information of the mentioned work, permanently or temporarily.
31. **“Broadcasting”** means taking the work into public by radio or television broadcasting or in any other resemble means such as Internet or via satellite, etc.
32. **“Artistic work and folklore”** means a result of compilation of the creations traditionally created in community or group reflecting the ways of life of such communities.
33. **“Adapted arts”** means an art adapted for use in other purposes.
34. **“Registration certificate”** is a document of the state organization issued to individual and organization to certify the ownership of the industrial property in relation to creation, invention, device, industrial design, trademark, integrated circuit, source of origins and plant varieties.
35. **“Priority right”** is the first filing date of application in foreign country before the date of filing application in Lao PDR.
36. **“Taking for using”** means producing, offering for sale, advertising, possessing for sale, distributing, disseminating, importing and exporting.

#### **Section 4: State policy in relation to intellectual property**

The state promotes increases, movements of intellectual property works and usages of the creation, invention and device of person or organization; and recognizes and protects the benefits of the owner of the intellectual property rights.

The state promotes the movement of works and investments in aspects of intellectual property by providing policies, laws and regulations, and measures in support thereto.

The state protects the intellectual property being not contrary to country protection, peace protection, health, environments, laws and regulations, cultures or traditions of the country.

### **Section 5: Principles in relation to intellectual property**

The principles relating to intellectual property are as follows:

1. Recognizing, protecting and guaranteeing the justices for the owner of the intellectual property rights.
2. Protecting the industrial property in the territory of Lao PDR which will take effect only when the owner of the industrial property obtained the registration thereof.
3. Copyrights and rights relating to copyrights are immediately protected after the artistic works and literary works including the scientific works are created.
4. Any uses of intellectual property for commercial benefit purposes must obtain authorization from the rights' owner.
5. In case that any international treaty Lao PDR is a member thereto or any agreement jointly signed contrary to any provisions in this law, the provisions in such international treaty or agreement shall be applied.

### **Section 6: Scope of use of laws on intellectual property**

This law shall apply to any individual and organization in the country and in foreign country associated with the intellectual property under this law and any international treaty Lao PDR is a party thereto.

### **Section 7: International co-operation**

The state promotes the international co-operation relating to intellectual property on the basis of reciprocal respects in democratic independences whereby any of which gains the benefits for developing and protecting the intellectual property works; exchanging academy and technology experiences; exchanging information; nurturing and upgrading personnel; and participating and performing international treaty and agreement Lao PDR is a party thereto.

## **Chapter 2 Intellectual Property**

### **Section 8: Structure of intellectual property**

Intellectual property consists of:

1. Industrial property
2. Plant variety

3. Copyrights and rights relating to copyrights

### **Section 9: Industrial property**

Industrial property consists of:

1. Patent
2. Petty patent
3. Industrial design
4. Trademark
5. Integrated circuits
6. Source of origins
7. Trade secret

### **Section 10: Plant variety**

Plant variety consists of:

1. General domestic plant variety and wild plant variety
2. Local plant variety
3. New plant variety

### **Section 11: Copyrights and rights relating to copyrights**

Copyrights and rights relating to copyrights consist of:

1. Copyrights on artistic works, literary works and scientific works including computer programs.
2. Rights relating to copyrights on performers, sound-image recording producers and broadcasting organization.

## **Chapter 3**

### **Industrial Property**

#### **Part 1**

#### **Conditions for Industrial Property**

### **Section 12: Conditions for obtaining industrial property registration certificates**

Before granting a registration certificate, the industrial property must meet the conditions under the provision in Section 13, 14, 15, 16, 17, 18, 19 and 20 of this law.

### **Section 13: Conditions for obtaining patent**

The invention eligible for granting a patent must meet the following conditions:

1. It must be a new invention which means that such invention has never been existed, it was not disclosed to public in any journal or was not used or in any other means in Lao PDR or anywhere else in the world before filing the application or before the priority date of the invention application.
2. It has an inventive step which means such invention involves in prior invention obviously understood by person having skill in this art.
3. It can be used in manufacturing which means that such invention can be used in support for the benefits of industrial production, handicrafts, agricultures, fisheries, services providing and etc.

#### **Section 14: Conditions for obtaining petty patent**

The inventions eligible for obtaining petty patent have similar conditions for obtaining patent. However, it has technical level lower than the inventions.

#### **Section 15: Conditions for granting industrial design certificate**

The industrial design eligible for granting a registration certificate must meet the condition as follows:

The industrial design must be new. Any industrial design is deemed new if such industrial design has never been disclosed to public in a journal or used or demonstrated or by any other means in Laos PDR or anywhere else in the world before filing the application or before the priority date of the invention application.

#### **Section 16: Conditions for granting trademark registration certificate**

A trademark eligible for granting a trademark registration certificate must meet the following conditions:

1. It is a distinctive trademark which can obviously be seen and which may be in the form of letter, word, numeral, picture, drawing, photograph, person's name, signature, figure including three-dimensional configuration, groups of colors or combinations of any of the mentioned things.
2. It is a trademark not having prohibited characteristics under Section 23 of this law.
3. It is not a trademark identical with or similar to any trademark priory registered by other person.

#### **Section 17: Conditions for Well-known trademark**

Any trademark to be deemed a well-known trademark must meet the following conditions:

1. Large numbers of users recognize the trademark by selling-buying and using products, goods or services bearing such trademark or by advertising.

2. Extensive areas where the products, goods or services bearing such trademark are distributed.
3. Large numbers of the lists of products sold or services provided under the trademark having substantive responses.
4. The period of time of using such trademark must be usual and consecutive.
5. The confidence in using trademark with products, goods and services that they are well qualified and extensively popularized in society.
6. Large numbers of users acknowledged and recognized in the territory relating to the reputation of such trademark.
7. The expenditure used in investment in such trademark is high.

This law provides protection of well-known trademark regardless of whether it is registered or not and shall not allow any person or organization, in the territory or from foreign country, who is not the owner of such well-known trademark to register or use any trademark identical with or similar to the mentioned well-known trademark.

#### **Section 18: Conditions for obtaining certificate of integrated circuits**

The integrated circuits eligible for obtaining certificate must meet the following conditions:

1. It is an integrated circuit which the designer newly created by combining partial or some parts of layout-design or integrated circuit which are generally known into a new layout-design.
2. It is an integrated circuit which the designer created by himself and not generally known in the industry of integrated circuit manufactures.

#### **Section 19: Conditions for certificate of source of origins**

The conditions for obtaining the certificate of source of origins are as follows:

1. It must be a source of natural factors consisting of the conditions of soil, atmosphere, water, environments and other natural conditions.
2. It must be a source of human factors consisting of knowledge, skills and experiences in producing and in producing method originally.

#### **Section 20: Conditions for being trade secrets**

The conditions for being trade secrets are as follows:

1. It must be information useful for operating business or services.
2. It must be information not widely known to people in general.
3. It must be information not yet accessible by persons who are normally connected therewith. All these three conditions provide the trade secret owner enjoy benefits over its competitor.

## **Part 2**

### **Non-registrable Industrial Property**

#### **Section 21: Invention and Devices which are not eligible for patent and petty patent**

The invention and devices which are not eligible for granting patent and petty patent are discovery of invention already existed, discovery of scientific rules and theories, mathematics, business plans, regulations or methods, mental treatments or gambles, human and animal treatment, microorganisms and any components of natural microorganisms or extracts from animals or plants; the invention and devices contrary to state peaces and social order, health, environments, rules and laws, and national good traditional cultures.

#### **Section 22: Non-registrable industrial design**

Industrial designs not eligible for registration are as follows:

1. Outer figure of industrial design arisen from it's own technical figure
2. Industrial design contrary to social order and national good tradition

#### **Section 23: Non-registrable trademark**

Non-registrable trademarks are as follows:

1. Any mark being not distinctive incapable of distinguishing products, goods or services of any person or organization from other person or organization.
2. Any mark causing the public or commercial society misunderstand or deceiving as to the source of origin, characteristics or quality including prices or other characteristics of products, goods or services.
3. Any imitate or counterfeit mark causing the consumers or users misunderstand
4. Any mark having national emblems, national flags, signs relating to cultures or place of worship, photo of hero, leader's photo, abbreviations or names of cities or districts of Lao PDR or of foreign countries.
5. Any mark of international organization or emblems created under international convention, official seals or emblems of state or international organizations except any permission from the relevant state or international organizations is given.
6. Any mark identical with or similar to prior registered trademark for products, goods or services
7. Any mark contrary to the state peaces, social order, rules, laws, cultures and national good tradition.

#### **Section 24: Non-registrable integrated circuits**

Non-registrable integrated circuits are as follows:



1. Principles, methods, systems or process of integrated circuit operation
2. Information or software storing in the integrated circuits

#### **Section 25: Non-registrable source of origins**

Source of origins which are not registrable are as follows:

1. Names of source of origins becoming general names of goods in Lao PDR
2. Source of origins of foreign country having not been protected or used for a long time.
3. Source of origins identical with or similar to any protected trademark causing misunderstanding as to the source of origins of such goods.
4. Source of origins causing the users to misunderstand as to the real source of origins of goods.

#### **Section 26: Information Incapable of Protection as Trade Secret**

Information incapable of protection as trade secret consists of secrets of person, state-administration protection, state protection, peaces protection and other non-business related secret information.

### **Part 3 Registration of Industrial Property**

#### **Section 27: Application for registration**

Any person or organization in the territory and from foreign country can apply for registration of his own industrial property with intellectual property protection organization or international industrial property registration organization Lao PDR is a party thereto.

Any person or organization located in foreign country having purposes for registration of industrial property in Lao PDR must have eligible representative in Lao PDR.

#### **Section 28: Principles for Application Examination**

In case of plural applicants applied for registration of the same or similar industrial property appropriately compliance to the registration procedure, the first applicant or the priority right holder shall be first examined.

#### **Section 29: Priority Date**

Any person who receives priority right is a person or organization who files application for registration in a foreign country before the applicant files application for registration in Lao PDR.

Priority date shall subsist not exceeding 12 months as from the date of application in foreign country until the filing date in Lao PDR for patent or petty-patent and not exceeding 6 months for industrial design or trademark. If it exceeds such period, the application date shall be the application date as applied in Lao PDR.

The mentioned rules shall also apply to the applicant applies for registration in Lao PDR before filing in foreign country.

### **Section 30: Application for Invention or Device**

Application for invention or device patent shall comprise the following documents:

1. Application for invention patent
2. Power of Attorney
3. Specifications
4. Claims
5. Drawings
6. Abstracts
7. Priority document
8. Receipt for payment of official fee

Each one of application for invention patent can be used with only one invention or device and can be applied for in two languages, i.e., Lao or English. However, the application and documents made in English must be translated into Lao within 90 days from the application filing date whereas correct translation must be certified.

### **Section 31: Application for Registration of Industrial Design**

Application for registration of industrial design shall comprise the following documents:

1. Application for industrial design registration
2. Power of Attorney
- 3 Drawings, photographs or composition of lines embodying an industrial design for use with products
4. Specimens of industrial design
5. Priority document
6. Receipt for payment of official fee

Each one of application for registration can be used with a set of industrial designs which are classified in the same international classification.

If the applicant is a foreigner, the application can be filed in English or Lao.

### **Section 32: Application for Registration of Trademark**

Application for registration of trademark shall comprise the following documents:

1. Application for registration of trademark
2. Power of Attorney
3. Specimens of the trademark or service mark
4. List of goods
5. Priority document
6. Receipt for payment of official fee

Each one of application can be used with only one trademark and with one classification of goods or services under international classification.

If the applicant is a foreigner, the application can be made in English or Lao.

### **Section 33: Application Form for Registration of Layout Design of Integrated Circuit**

Application for registration of layout design of integrated circuit shall comprise the following documents:

1. Application for registration of layout design of integrated circuit
2. Power of Attorney
3. Descriptions
4. Claims
5. Drawings, photographs of the integrated circuit and specimen of the semiconductor ~~article~~
6. Abstract
7. Priority document
8. Receipt for payment of official fee

Each one of application for registration of layout design of integrated circuit can be used with only one layout design of integrated circuit and can be applied for in two languages, i.e., Lao or English. However, the application or documents made in English must be translated into Lao within 90 days from the application filing date whereas correct translation must be certified.

### **Section 34: Application for the Registration of the Source of Origin**

Application for registration of the source of origin shall comprise the following documents:

1. Application for registration of source of origin
2. Power of Attorney
3. Copy of certificate of registration of source of origin in foreign country
4. Receipt for payment of the official fee

Each one of application for the registration of source of origin can be used with only one source of origin and can be submitted in two languages, i.e., Lao or English. However, the application or documents made in English must be translated into Lao within 90 days from the application filing date whereas correct translation must be certified.

### **Section 35: Response to Request for Additional Information**

Upon having requested by the Registration Office, the applicant must provide with information on registration of industrial property in foreign country, especially the industrial property corresponding to those being applied for in Lao PDR. Such information shall comprise.

1. Copy of examination report of industrial property in foreign country
2. Copy of registration certificate of industrial property obtained in foreign country

### **Section 36: Filing and Receiving Application for Registration of Industrial Property**

Application form for the registration of industrial property must be filed only with intellectual property protection organization. The application shall consist of at least the following documents and information.

1. Application for registration of invention, device, industrial design, trademark, integrated circuit design or source of origin
2. Details including scope of protection for application for registration of invention or device, photographs or drawings for industrial design, sample of trademark and list of goods or services being used with such trademark for application for registration of trademark, description of special characteristic of the source of origin for the registration of the source of origin
3. Receipt for the payment of official fee

When application for registration is correct as stated in stems 1, 2 and 3 of this section, the registration office shall issue an application date or international application date in case the application is filed with international registration organization for industrial property in which Lao PDR is a member.

### **Section 37: Preliminary Examination of Application Form for the Registration of Industrial Property**

Preliminary examination of application form for the registration of industrial property comprises the following steps:

1. Completeness of application form
2. Conditions for protection
3. Right of the applicant

4. Payment of fee

After preliminary examination, if it is deemed that the application form is not complete, the registration office shall inform the applicant to make amendment within 60 days from the date of issue of the notice.

**Section 38: Publication for the Registration of Industrial Property**

After the registration office having made the preliminary examination for the application form for the registration of invention and device, the office shall published same in the official journal for the industrial property in the 19<sup>th</sup> month from the application date or the priority date.

**Section 39: Request for Substantive Examination of the Application for Registration of Invention or Device**

In case the applicant cannot submit substantive examination report on the invention or device for which a registration is requested, the applicant can request the registration office to perform substantive examination of said application. This can be done within 32 months for the invention and 12 months for the device from the application date or the priority date. The applicant shall bear the expenses for the request for the substantive examination for the registration of invention or device.

**Section 40: Substantive Examination of the Application for the Registration of Industrial Property Right**

After preliminary examination by the registration office having been completed, the registration office shall perform the substantive examination of the application for registration of industrial design, trademark and source of origin

There will be no substantive examination on the integrated circuit design.

**Section 41: Application for Registration of Industrial Property which in deemed invalid**

Application for registration of industrial property which in deemed invalid is that which dose not meet the following conditions

1. Incomplete application form
2. There is no condition for the protection of such intellectual property
3. Applicant has no right to file application for registration
4. The applicant did not pay the official fee
5. The applicant did not file a request for the substantive examination of the application for the registration of invention or device within the period specified under section 39 of this law

## **Section 42: Grant of Certificate**

After consideration and examination of the application for the registration of industrial property and it is found to be correct based on the conditions of this law, the organization for the protection of intellectual property shall issue registration certificate for the industrial property, record in the registry of industrial property and publish result of the said registration in the industrial property journal.

## **Section 43: Invalid Registration**

The invalid registration for the industrial property shall be as follows:

1. Registration certificate has expired
2. The owner of the industrial property did not renew the registration
3. The owner of the industrial property did not pay the official fee
4. There has been no use after registration as required based on the provision on exploitation under this law

## **Part 4**

### **Owner of the Industrial Property Right**

## **Section 44: Owner of Industrial Property**

After being granted registration according to the law, the application will become owner of the industrial property.

In case someone was hired to make the invention or industrial design by the owner of the said industrial property, the right shall belong to the person who hired unless agreed otherwise.

## **Section 45: Rights of the owner of the Industrial Property**

The owner of the industrial property shall have the following rights:

1. To produce
2. To license other to produce
3. To assign to other by selling or giving
4. By inherit
5. To exploit the product obtained from the industrial property or any product obtained from the process for the production resulting from the industrial property
6. To protect the industrial property from being infringed by other by filing a case to the court
7. To keep, advertise, sale, offer for sale, export, import the product obtained from the industrial property

## **Part 5**

### **Term of Protection of Industrial Property**

#### **Section 46: Terms of Protection for Patent**

Patent has a term of 20 years from the filing date for registration. To protect the patent, the owner of the patent must pay annual fee in the advance each year.

#### **Section 47: Terms of Protection for Petty Patent**

Petty patent has a term of 10 years from the filing date for registration and can be renew once for 2 years.

To protect the petty patent, the owner of the petty patent must pay annual fee in advance each year.

#### **Section 48: Term of the industrial design Protection**

The term of the industrial design protection shall be 15 years from the date of filing application for registration.

To keep the protection term, the owner of the industrial design must pay a fee in advance for 5 years each.

#### **Section 49: Terms of Trademark Protection.**

The term of the trademark protection shall be 10 years from the filing date and can be renewed for further 10 years each.

To keep the protection term, the owner of the trademark must pay a fee for 10 years each in advance.

#### **Section 50: Term of Protection for Layout design of Integrated Circuit**

The term of protection for layout design of integrated circuit shall be 12 years from the filing date for registration.

To keep the protection term, the owner of the layout design of integrated circuit must pay annual fee in advance each year.

#### **Section 51: Term of Protection for source of Origin**

Protection of source of origin shall be forever from the date of receiving registration certificate and the fee has to be paid only once.

#### **Section 52: Terms of Protection for Trade Secret**

Protection of trade secret shall be forever until the trade secret has been disclosed.

## **Part 6**

### **Limitation of Rights on Industrial Property**

#### **Section 53: Compulsory license of Patent or Petty Patent**

In case of necessity in protection of the country, protection of peace, food supply, safety concerning health of the people of Lao, without the purpose of trade, the Government may permit a person and other organization to exploit the patent or petty patent without the consent of the owner of said patent or petty patent. However, the exploitation must be based on the scope of permission of the government. The owner of the patent or petty patent must be informed and be paid a suitable royalty. The owner of the patent or petty patent can submit on argument on the unsuitable order or royalty within 60 days from the date of having be informed of such order.

In case the country is in emergency status due to natural causes or war, the Prime Minister can order a person or organization to exploit the patent or petty patent and to proceed as stated earlier.

#### **Section 54: Exploitation of Patent or Petty Patent**

In case of the invention or device which has been granted a patent or petty patent has not been exploited or not fully exploited 3 years after grant of the patent or petty patent, the government shall inform the owner of the rights to submit on explanation in writing within 90 days. If there is no response or the response is not satisfactory, the government shall allow others who apply for exploitation to exploit same.

#### **Section 55: Use of Trademark**

In case a registered trademark has not been used continuously for 5 years in Loa PDR, the government shall inform the right owner to let the interested person to submit an explanation in writing within 90 days. If there is no response or the response is not satisfactory, the government shall allow others who apply for use said trademark.

#### **Section 56: Use of Integrated Circuit Design**

In case the integrated circuit design has been used for trade purpose whether within or outside the country, the application for registration of said integrated circuit design must be filed within 2 years from the date the integrated circuit was first used for trade purpose but shall not exceed 15 years from the date of production



### **Section 57: Use of Source of Origin**

In case a person or organization does not act in accordance with the conditions for registration of the source of origin, the organization for the protection of intellectual property shall notify the said person or organization to act according to the conditions and time frame of the organization for the protection of intellectual property. If the conditions are not met without suitable reason, the organization for the protection of Intellectual Property shall order to stop using the said source of origin

## **Part 7**

### **Obligations of the Owner of Industrial Property**

#### **Section 58: General Obligations of the Owner of Industrial Property**

General obligations of the owner of the industrial property are as follows:

1. To protect his own right by following up or examining the use of the industrial property as specified in this law.
2. To support and promote the society to use his industrial property based on the benefit of both parties.
3. To report information on the infringement of his industrial property to the government organization concerned with such task
4. To give the obligations to the government which have been obtained from the use, licensing, assignment or through the heir of said Industrial property or any other benefits according to the law
5. To coordinate in the enforcement of the infringement of his industrial property

#### **Section 59: Special Obligations of the Owner of Industrial Property**

Specific obligations of the owner of patent, petty patent, industrial design, trademark, integrated circuit design, source of origin and trade secret shall be specified under separate regulations.

## **Chapter 4**

### **Plant Variety**

#### **Part 1**

### **Conditions for Plant Variety**

#### **Section 60: Conditions for Obtaining Registration Certificate for Local Domestic Plant Variety, General Domestic Plant Variety and Wild Plant Variety**

Conditions for obtaining registration certificate for local domestic plant variety, general domestic plant variety and wild plant variety must be that they must have specific characteristics and be useful and grow in many localities in town on in the wild.

Detail conditions of registration shall be specified under separate regulations.

### **Section 61: Conditions for Obtaining Registration Certificate for New Plant**

New plant variety must have an improvement or development of the species by genetic engineering or biotechnology so as to create new plant variety never existed in nature.

Plant variety to be protected as new plant variety must meet the following conditions:

1. It must be new plant variety which has not been sold in Lao PDR one year prior to the application date.
2. It must be different from generally known same group of plant as to the important genetic characteristic, must be clear or have at the least one or more distinctive features that create new plant variety.
3. It must have regularity i.e. that plant variety must have similar specific such as features of the stem, flower, color of flower, feature of fruit or any specific feature which arise from the genetic condition.
4. It must be stable i.e. that plant variety must be able to express the features specific to that variety every time it is bred or it can be said that it must always shows previous character of the variety for every propagation.
5. That plant variety must have name different from the existing variety

### **Section 62: New Plant Variety that cannot be Registered**

New plant variety that cannot be registered are as follows:

1. New plant variety has serious impact either directly or indirectly to health, environment or law.
2. New plant variety which has been genetically modified which does not pass the evaluation as to safety, health, environment or law from the academic institution based on basis and method laid down by the relevant organization.

## **Part 2**

### **Registration of New Plant Variety**

### **Section 63: Application for Registration of New Plant Variety**

Application for registration and consideration of the application shall be in accordance with Section 27 and Section 28 of this law

**Section 64: Priority Date**

The person or organization qualified to receive priority right must file an application for registration of plant variety in a foreign country before the application is filed in Lao PDR but must be within 12 months from the date of filing in the foreign country before filing in Lao PDR.

Same regulation applies for those who filed the application in Lao PDR before filing in a foreign country.

**Section 65: Application form for Registration**

Application form for registration of new plant variety shall consist of the following documents:

1. Application for new plant variety registration
2. Deed of Assignment/ Power of Attorney?
3. Photographs and technical questionnaire form
4. Priority document
5. Receipt for payment of official fee

One application form for registration of new plant variety can be used with only one plant variety. The application form can be in Lao or English. If in English, the documents must be translated into Lao within 90 days from the application date together with certification as to true translation.

**Section 66: Response to Request for Further Information**

When requested by the registration office of Lao PDR, the applicant must submit additional information relating to the registration for said new plant variety in the foreign country for which an application is being made in Lao PDR. The additional information shall comprise

1. Copy of the examination result of the application for the registration of new plant variety in the foreign country.
2. Copy of the foreign registration certificate.

**Section 67: Examination Step for the Application, Invalid Application, Grant of Registration Certificate, Registration of New Plant Variety that Becomes Invalid**

Examination steps for the application, invalid application, grant of registration certificate, registration of new plant variety that becomes invalid shall be in accordance with Section 37, Section 38, Section 39, Section 41, Section 42 and Section 43 of this law.

### **Part 3**

#### **Owner of New Plant Variety**

##### **Section 68: Owner of New Plant Variety**

Owner of new plant variety is a person or organization which improved or discovered and developed plant variety which has be protected. In case other has been hired to improve or discover and developed said new plant variety, the new plant variety shall belong to the hirer unless agreed to otherwise.

##### **Section 69: Right of the Owner of New Plant Variety**

Right of the owner of new plant variety shall be in accordance with Section 45 of this law.

##### **Section 70: Term of Protection for New Plant Variety**

Term of Protection for new plant variety shall be 25 years for perennial plant and 15 years for annual plant from the filing date of the application

Annual fee must be paid to keep the protection of the new plant variety

### **Part 4**

#### **Limitation and Obligations relating to the New Plant Variety**

##### **Section 71: Exception in case of need**

In case of need to stabilize availability of food, prevention of monopoly or other necessity for public interest, the government can make announce for general public to use said new plant variety.

However, fair compensation must be given to the owner of the new plant variety said announcement must specify time period and amount of the compensation.

After having proceeded as above but the problems concerning availability of food or monopolization cannot be effectively eliminated, the government can terminate the registration for said new plant variety with suitable compensation

##### **Section 72: Exception relating to use of New Plant Variety**

The following act shall not be deemed an infringement on the protected new plant variety:

1. Use the personal purpose and not for trade purpose
2. Use for experiment and research
3. Use for purpose of improving other plant variety

4. Cultivation of formers for the next season.

### **Section 73: Obligation of the Owner of New Plant Variety**

Obligations of the owner of new plant variety shall be in accordance with Section 58 of this law.

## **Chapter 5**

### **Copyrights and Rights relating to copyrights**

#### **Part 1: Conditions on Copyrights**

### **Section 74: Conditions for protection of copyrights**

Conditions for protection of copyrights are as follows:

1. Artistic work means any of the following works:
  - 1.1 Paintings and drawings, engravings, lithography or clothes' pattern and other works of fine arts.
  - 1.2 Sculptures, stone sculptures, and other works of sculptures
  - 1.3 Designs of buildings or constructions, designs of interior or exterior decoration, and other works of architectures.
  - 1.4 Photographs with any technical means
  - 1.5 Illustrations, maps, plans, sketches or three-dimensional figures relating to geography, topography and science
  - 1.6 Music composed for drama, dumb show or stage performance, and designs of dance, other kinds of works composed for performance.
  - 1.7 Music which means work relating to rhythm and lyrics or only rhythm including arranged and transcribed musical note
  - 1.8 Sound – image recording which means recording of work on recording materials such as phonograph disks, cassettes, video cassettes, laser discs, CDs, VCDs, DVDs, mp3, mp4 or any other recording means.
  - 1.9 Cinematographic means sequences of images which can be shown in form of visual images and can be recorded on another materials which can also be continuously shown as moving pictures including sound track of such cinematographic work
2. Literary work means any of the following works:
  - 1.1 Books, thesis, leaflets, periodicals, printed matters and other writings.
  - 1.2 Lectures, articles, speeches, sermons and addresses.
  - 1.3 Play and story
  - 1.4 Computer programs and information compilation

### **Section 75: Works Derived from Copyrights**

Work derived from copyrights is a work translated from any languages to Lao language or into other languages, or from Lao language into other languages, modified, converted, transformed, compiled, defined or explained from the selected or elected works.

The contents for protection of such work shall comply with Section 74 of this law without any effects to any works as prescribed in such Section.

### **Section 76: Things which are not eligible for obtaining protection as copyrights**

The followings are not eligible for obtaining protection as copyrights:

1. Information characterized as news.
2. Any juristic acts, administrative rules, judicial documents and official translations
3. Procedures, systems, practicing method, definition, principles and statistics

## **Part 2**

### **Conditions on Rights relating to copyrights**

### **Section 77: Conditions on Persons for obtaining protection of rights relating to copyrights**

Persons eligible for obtaining protection of rights relating to copyrights must be:

1. Performer, vocalist, musician, dancer and other person who performs in accordance with artistic works and literary works called as “performer”.
2. Person or organization controlling the sound-image recording of first performance called as “sound-image recording producer”.
3. Organization initiates and broadcasts sound or image, or broadcasts sound and images called as “broadcasting organization”.

### **Section 78: Conditions on Activities Eligible for obtaining protection of rights relating to copyrights**

Rights relating to copyrights eligible for obtaining protection are as follows:

1. Performance
  - 1.1 Performance of Lao citizens, foreigners or persons who have no nationality in the territory or in foreign country.
  - 1.2 Performance of foreigners in Lao PDR
  - 1.3 Performance protected under International treaty Lao PDR is a party thereto.

2. Sound-image recording
  - 1.1 Sound-image recording of producer having Lao nationality
  - 1.2 Sound-image recording protected under International treaty Lao PDR is a party thereto.
3. Sound-image broadcasting program through encoded satellite signals
  - 1.1 Sound-image broadcasting program through encoded satellite signals of sound-image broadcasting organization having Lao nationality.
  - 1.2 Sound-image broadcasting program through encoded satellite signals of sound-image broadcasting organization protected under International treaty Lao PDR is a party thereto.
4. Performance, sound-image recording and sound-image broadcasting program through encoded satellite signals shall be protected as prescribed in items 1, 2 and 3 of this section without any effects to any works as defined in this section.

### **Part 3:**

#### **Informing of Copyrights or Rights relating to copyrights**

##### **Section 79: Informing of Copyrights or Rights relating to copyrights**

Copyrights or rights relating to copyrights is a rights automatically occurred when such work was created without any requirement of registration but the work can be informed with the organization responsible for such works as evidences or data especially when there is any infringement or dispute.

##### **Section 80: Application for informing of Copyrights or Rights relating to copyrights**

The application for informing of copyrights or rights relating to copyrights consists of the followings:

1. Request for informing of copyrights or rights relating to copyrights
2. Works of the created copyrights or rights relating to copyrights.
3. Other relevant evidences such as copy of identification card, enterprise register documents (in case of organization), authorization documents (in case that the person to file the request is not the owner of the copyrights or rights relating to copyrights.)

### **Section 81: Recording of informing of copyrights or rights relating to copyrights**

The organization responsible for copyrights and rights relating to copyrights shall examine the application for informing of copyrights or rights relating to copyrights; record on recording books and issue a receipt of copyrights or rights relating to copyrights as evidences. The receipt of the copyrights or rights relating to copyrights shall not impose any rights of the informant.

## **Part 4: Copyrights' Owner**

### **Section 82: Copyrights' Owner**

The owners of the copyrights are the following person or organization:

1. Author
2. Joint-author
3. Person or organization hiring the author
4. Assignee of copyrights
5. Successor
6. State

### **Section 83: Types of Copyrights' Owner**

1. General owner of copyrights relating to artistic works and literary works
2. Owner of copyrights in cinematographic and dramatic works
3. Owner of computer program
4. Owner of artistic works and folklore of the community in locality.

### **Section 84: Rights of the Copyrights' Owner**

The copyrights' owner shall have the following rights:

1. Titling its own works
2. Putting the real name, pseudonym or pen name on the works
3. Demonstrating the works in public
4. Publicizing the works or authorizing other person to publicize such works
5. Reproduction or adaptation of works
6. Dissemination of the original works or copied works to public
7. Communication of works to public by wire or wireless communication systems through electronic data network or other technical systems
8. Creating derivative works
9. Renting the original or copies of cinematographic works or computer programs
10. Giving benefits to other person from his own copyrights such as assigning his own copyrights to other person for research



11. Protecting all parts of works, not authorizing other persons to alter, add, cut or adapt by any means prejudicing the honor and reputation of the copyrights' owner

### **Section 85: Copyrights' Owner, Cinematographic and Dramatic works**

The owners of the copyrights in cinematographic and dramatic works are:

1. Person who is the producer, composer, camera man, director, writer, stage arranger, sound controller, lights controller, location designer, location facility controller, technique controller and other persons relevant to cinematographic and dramatic works.

The copyrights' owner in cinematographic or dramatic works shall have the rights as prescribed under Section 84 of this law and other rights as agreed to each other.

2. Person or organization invested in funds, materials and technical facilities in creation of cinematographic and dramatic works shall be the rights' owner as prescribed under Section 83 and 84 of this law.
3. Person or organization as prescribed in item 2 of this section shall have obligation in payment of the remuneration and interests in respect of materials as agreed to each other to any persons defined in item 1 under this section.

### **Section 86: Copyrights relating to computer programs and data compilation**

1. Computer program is a set of instructions or anything used with the computers as to make the computer work or to generate any result no matter what the computer language is shall be protected as literary works.
2. Compilation of data is a compilation of data in the same source showing the selection and arrangements of data in electronic form or any other forms.
3. The protection of copyrights in data compilation shall not include the protection of copyrighted data and shall not prejudice to the owner of such copyrighted data.

### **Section 87: Copyrights on artistic works and folklore**

Artistic works and folklore mean the production results of compilation of creations according to tradition of community or of group of people reflecting the ways of life of such communities, the performance of which correspond with cultural and social characteristics of such communities, conditions and values verbally succeeded, imitated or resembled.

1. Folk tale, rhyme, motto, proverb

2. Folk songs, native vocals and native music
3. Native choreography, native playing, native ceremony and native competition
4. Musical instruments, paintings, drawings, color pictures, engravings, architectural designs created with any native materials

Person or organization taking the artistic works or folklore for use must state the source of such native performance and preserve the original value of such works.

## **Part 5**

### **The Owner of Rights relating to copyrights**

#### **Section 88: The owner of rights relating to copyrights**

The owners of the rights relating to copyrights are:

1. Performer
2. Sound-image recording producer
3. Sound-image broadcasting organization

#### **Section 89: Rights of Performer**

The performer shall have the following rights

1. Putting the performer's name in the performance or in dissemination of sound-image phonograph disks or in broadcasting of sound-image of such performance
2. Protecting such performance and not authorizing other persons to alter, adapt, add or cut and any other means prejudicing the honor and reputation of such performance.
3. Recording the performer's live performance on sound-image discs
4. Reproduction of performer's live performance on sound-image discs, directly or indirectly.
5. Broadcasting sound-image and communicating the performance, not yet recorded, to public.
6. Dissemination of performance recordings or copies of such recordings to public by means of selling, renting or any other technical means, accessible by public.

### **Section 90: Rights of sound-image recording producer**

Sound-image recording producer shall have the following rights:

1. Operating by himself or authorizing other person to operate the followings:
  - 1.1 Reproduction of sound-image recordings, directly or indirectly.
  - 1.2 Dissemination of sound-image recordings, original or copies, to public by means of selling, renting or any other technical means, accessible by public.
2. To gain benefits during the time of dissemination of sound-image recordings to public.

### **Section 91: Rights of sound-image broadcasting organization**

Sound-image broadcasting organization shall have the following rights:

1. Operating by itself or authorizing other persons to operate the followings:
  - 1.1 Broadcasting or re-broadcasting of it's own sound-image broadcastings.
  - 1.2 Publicizing it's own sound-image broadcastings to public.
  - 1.3 Recording it's own sound-image broadcastings.
  - 1.4 Reproducing of it's own sound-image broadcastings.
2. To gain benefits during the time of broadcasting of it's own sound-image, recorded, disseminated or publicized to public.

### **Section 92: Rights of Investor in Performance**

The investor in performance shall have the rights similar to the performer as defined under Section 89 of this law.

## **Part 6**

### **Term of Protection of Copyrights and Rights relating to copyrights**

#### **Section 93: Term of Protection of Copyrights**

1. The term of protection of copyrights begins from the date of creation of works and subsists for the life of the author plus 50 years as from the death of the mentioned author of works. In case of the joint authors, the term of protection of the copyrights shall subsist for the life of last surviving joint author plus 50 years as from the death of the relevant person.
2. In case the author is organization, the term of protection subsists for 50 years as from the date of creation of the works.

In case that the works is published, the term of protection of such copyrights shall subsist for 50 years as from the date of first publication.

In case that the author uses pseudonymous without knowing who the author is, the term of protection shall comply with first paragraph of item 2 under this section.

In case knowing of the owner of works using pseudonymous, the term of protection shall comply with item 1 under this section.

3. In case of International treaty Lao PDR is a party thereto or agreement Lao PDR jointly signed, the term of protection of copyrights shall comply with such International treaty or agreement.

#### **Section 94: Term of Protection of Rights relating to copyrights**

Term of protection of rights relating to copyrights is as follows:

1. For the performer, the term of protection shall subsist for 50 years as from the date of performance.
2. For sound-image recording producer, the term of protection shall subsist for 50 years as from the date of publicizing of such sound-image recordings. In case that the work is advertised or published, the term of protection of sound-image recordings shall subsist for 50 years as from the date of first publication.
3. For the sound-image broadcasting organization, the term of protection shall subsist for 50 years as from the date of broadcasting of program.
4. In case of International treaty Lao PDR is a party thereto or agreement Lao PDR jointly signed, the term of protection of rights relating to copyrights shall comply with such International treaty or agreement.

### **Part 7**

#### **Limitation and Obligation on Copyrights and Rights relating to copyrights**

##### **Section 95: Limitation of Copyrights With Remuneration**

The uses of publicized works without authorization where remuneration is paid:

1. The uses of the publicized works by sound-image broadcasting organization for making sound-image broadcasting program with support.
2. The person uses the works as prescribed in item 1 of this section must show the works owner's name and the source of works without prejudice the rights of the work's owner and without prejudice the normal benefits of the owner of such works.
3. The uses of the works as prescribed in item 1 of this section must not include the works of cinematographic creation.

## **Section 96: Limitation of Copyrights Without Remuneration**

1. The uses of the publicized works without authorization from the copyrights' owner and without payment of remuneration are as follows:
  - 1.1 Reproduction of one copy for himself for the purpose of scientific research and private teaching.
  - 1.2 An appropriate reference of any works without any adaptation of the content for composing comments or for making clear of his own works.
  - 1.3 Reference of any works without any adaptation of the contents for news reports, periodicals, radio and television programs, and documentary cinemas (documentary films).
  - 1.4 Reference of any works for teaching at school without any purposes in commerce and without any adaptation of the contents in such works
  - 1.5 Making copy of the works for keeping at library for the research purposes
  - 1.6 Taking any works for drama performance and art demonstration in any other forms, in blessing ceremonies or in any encouragements, without any fees
  - 1.7 Recording and reporting live performance for the purposes of news communication and education to public.
  - 1.8 Photograph taking or video recording of fine arts works, photographs reports and adapted arts for presentation to public.
  - 1.9 Translation of works into Braille characters or other characters for sight disabled.
  - 1.10 Importing of copy of works of other person for personal use.
2. The person uses such works as defined in item 1 of this section must show the works owner's name and source of works without prejudice the rights of the works' owner and without prejudice the normal benefits of the owner of such works.
3. The uses of the works as defined in item 1 of this section shall not include the architectural works, fine arts works or computer programs.

## **Section 97: Limitation of Rights Relating to Copyrights with Remuneration**

1. Person or organization who uses the rights relating to copyrights of other person without any authorization must pay for the remuneration as agreed with the works' owner, the copyright's owner, performer, sound-image recording producer and sound-image broadcasting organization for the following cases:
  - 1.1 Using of sound-image recordings, directly or indirectly publicized, for the purposes of commerce for sound-image broadcasting operation.
  - 1.2 Using of the publicized sound-image recordings in running business and trade.

2. Person or organization uses the rights as defined in item 1 of this section must not prejudice the rights of the performer, sound-image recording producer and sound-image broadcasting organization; and must not prejudice the normal benefits of the performance, sound-image recordings and sound-image broadcasting programs.

**Section 98: Limitation of Rights Relating to Copyrights Without Remuneration**

1. The uses of rights relating to copyrights without any necessity of authorization and remuneration payment are:
  - 1.1 Reproduction of any works for the purposes of scientific research
  - 1.2 Reproduction of any works for the purposes of teaching
  - 1.3 An appropriate reference for the purposes of data responses only.
  - 1.4 Recording of sound-image, temporarily, when it is authorized by the rights' owner
2. Person or organization uses the rights as defined in item 1 of this section must not prejudice the rights of the performer, sound-image recording producer and sound-image broadcasting organization and must not prejudice the normal benefits of the performance, sound-image recordings and sound-image broadcasting programs.

**Section 99: Obligation of the Owner of the Copyrights and Rights relating to copyrights**

The obligation of the owner of the copyrights and the rights relating to copyrights shall comply with Section 58 of this law.

**Chapter 6**  
**Prohibitions for Intellectual Property**  
**Part 1: Prohibitions for Industrial Property**

**Section 100: Prohibitions for the Owner of the Industrial Property and the Authorized Users**

1. The owner of the industrial property shall have no rights to prevent other person from using or doing the followings:
  - 1.1 Using of inventions, devices, industrial design or integrated circuits for personal uses or for using in education, research or experiments and etc. without any purposes of trading.

- 1.2 Disseminating, distributing, importing and gaining benefits from uses of products deriving from industrial property marketed in the country and foreign country, legally.
  - 1.3 Using of inventions, devices or industrial designs in the vehicles including using of devices and spare parts in repairing and maintaining of vehicles of a foreign country passing through the territory, territorial sky and territorial waters, temporarily or emergency, in the territory of Lao PDR.
  - 1.4 Using of inventions or devices against person authorized by the government of Lao PDR.
  - 1.5 Using of integrated circuit layout-design, the user of which has not known before that such integrated circuit layout-design is granted protection.
  - 1.6 Using of trademark identical with or similar to source of origin to which the trademark is granted protection, before the date of filing application for registration of source of origin.
  - 1.7 Honestly using of person's name and signs of each type, quantity, quality, usage method, determination of source of origin and other characteristics of goods and services.
2. The owner of the trade secrets shall have no rights to prevent other person from doing the followings:
- 1.1 Disclosing or using of the derived trade secrets without knowing that such trade secrets derived by other person, illegally.
  - 1.2 Disclosing of secret information for the purposes of public protection
  - 1.3 Using of secret information concerning pharmaceutical products and agricultural chemicals without any purposes of trading
  - 1.4 Disclosing or using of trade secrets having similar characteristics to those made by other persons.
  - 1.5 Disclosing or using of trade secrets derived from analysis and determination of products legally distributed.

### **Section 101: Prohibitions for Person or Organization**

Person or organization other than the owner of the industrial property shall not do the following acts without authorization from the owner of the industrial property:

1. Producing by using the protected industrial property
2. Using of the production method of the protected industrial property
3. Distributing or advertising, offering for sale, selling, possessing for selling or importing-exporting of products derived from the protected industrial property
4. Assigning, licensing or renting the protected industrial property

### **Part 2: Prohibitions for New Plant Variety**

### **Section 102: Prohibitions for the Owner of New Plant Variety and Authorized User**

The owner of new plant varieties shall have no rights to prevent other person from using new plant varieties for the following purposes:

1. In personal activities, not related to trading.
2. In experiments and research
3. In improving of breeds to other plant varieties

The authorized users shall have the same prohibitions as mentioned above.

### **Section 103: Prohibitions for an Person or Organization**

Person or organization other than the owner of the new plant varieties shall not do the followings without authorization from the owner of the new plant varieties:

1. Producing or propagating of the protected new plant varieties for the purposes of trading
2. Using of propagation method for the purposes of trading
3. Offering for sale, selling or marketing of the protected new plant varieties.
4. Exporting or importing of the protected new plant varieties.
5. Having in possession for the purposes as mentioned in items 1, 2, 3 and 4 of this section.

## **Part 3:**

### **Prohibitions for Copyrights and Rights relating to copyrights**

### **Section 104: Prohibitions for Copyrights' Owner**

The copyrights' owner shall not have rights to prevent other from using his/her works as follows:

1. Reproducing for the purposes of scientific research and teaching.
2. Referencing for the purposes of composing comments or making clear of any works without any adaptation in the contents of such works
3. Reference for news reporting, periodicals, radio and television programs and documentary cinemas (documentary films) without any adaptation of the contents of such works.
4. Reference for teaching in school without any purposes of trading and without any adaptation of the contents of such works
5. Copying for keeping in library for the purposes of research
6. Taking for using in drama performance or any other forms of art demonstration, in blessing ceremony or in encouragement, without any fees



7. Recording and reporting live performance for the purposes of news communication and education to public.
8. Photograph taking or video recording, taking works of fine arts, photography works and adapted works of arts for presentation to public.
9. Making Braille characters or other characters for sight disabled.
10. Importing of copy for personal use.

The authorized users shall have the same prohibitions as mentioned above.

Person or organization exercised the rights as prescribed in this section shall not prejudice to the owner of the copyrights

#### **Section 105: Prohibitions for the Owner of Rights relating to copyrights**

The owner of the rights relating to copyrights shall not have rights to prevent others from using his/her works as follows:

1. Copying for the purposes of scientific research and teaching
2. Referencing for the purposes of responding to the information only.
3. Recording of sound – image, temporarily, when an authorization is received from the rights' owner.

The authorized users shall have the same prohibitions as mentioned above.

Person or organization exercised the rights as prescribed in this section shall not prejudice to the owner of the rights relating to copyrights

#### **Section 106: Prohibitions for Person or Organization**

Person or organization other than the owner of the copyrights and rights relating to copyrights shall not do the following acts without authorization from the rights' owner:

1. Taking other person's artistic works, literary works and scientific works for using.
2. Falsely citing his name as the author
3. Publicizing any works without any authorization from the owner
4. Publicizing any works of co-authors without any authorization from another co-authors
5. Adapting, adding or reproducing any part of works by any means prejudicing the honor and reputation of the author.
6. Copying any works of the author or the copyrights' owner
7. Creating derivative works of the author or copyrights' owner except the use method as prescribed in Section 104 item 9 of this law.
8. Taking advantages from any works of the copyrights' owner
9. Renting of the works

10. Copying, producing, publicizing, showing or communicating the works to public with sound-image communication networks or up-to-date devices
11. Publicizing any works of copyrights' owner
12. Abolishing or causing the technical method for the copyrights' owner using in protection of copyrighted works not functioning, intentionally.
13. Intentionally deleting or altering the electronic data in protection of copyrights of works.
14. Producing, compiling, amending, distributing, importing, exporting, selling or renting any parts of devices for destroying the technical protection the copyrights' owner made for protection of works, knowingly or should know that such devices cause protection not functioning.
15. Faking works with fake name or fake signatures of the author and selling such fake works
16. Exporting, importing, advertising or copying works
17. Falsely citing the name of the performer, sound-image recording producer and sound-image broadcasting organization
18. Publishing, publicizing, producing or communicating the performance, sound-image recordings or sound-image broadcastings to public.
19. Adapting, adding or deleting some parts of performance by any means prejudicing the honor and reputation of the author
20. Reproducing or editing performance recordings, sound-image recordings or sound-image broadcastings
21. Changing the rights relating to the data protection in form of electronics
22. Abolishing or causing the technical method of the copyrights' owner using in protection of rights relating to copyrights not functioning, intentionally.
23. Distributing, importing for distributing, sound-image broadcasting or communicating sound-image copying recordings or performance works to public with knowingly or should know that such works were adapted without authorization from the copyrights' owner.
24. Producing, compiling, amending, distributing, importing, exporting, selling or renting any parts of devices knowingly or should know that such parts of devices are inappropriately used for decoding of encoded programs transmitted through satellite signal waves.
25. Commercially recording or publicizing of encoded programs transmitted through satellite signal waves without authorization from the legal distributor.

#### **Section 107: Prohibitions for persons in charge of intellectual property matters**

Any person who is in charge of intellectual property matters cannot do the following acts.

1. Lacking responsibility and neglecting obligation.
2. Performing duty un-justice or in biased manner toward any person or organization.
3. Disclosing intellectual property information without authorization.

4. Utilizing his own position, duty or right to seek personal interests, family or relative interests.
5. Other acts which are against the law or regulation.

## **Chapter 7**

### **Intellectual Property Infringement and Unfair Competition.**

#### **Section 108: Infringement of Industrial Property**

Infringement of patent right, petty patent right, industrial design right and layout design of integrated circuits right are as follows:

1. Utilization of invention, device, industrial design or integrated circuits which are still protected within the protection period without consent from right's owner.
2. Utilization of invention, device or layout design of integrated circuits without payment of royalty compensation to right's owner.

Infringement of trademark rights are as follows:

1. Utilizing logo which is identical to trademark or service mark which has been protected.
2. Utilizing logo which is similar or identical to trademark or service mark which has been protected and which misleads the users to be confused about the genuine goods or services.
3. Utilizing of logo which is similar or identical to famous trademark or service mark.
4. Utilizing logo in the form of transliteration or translation in other language but having phonation similar to the original famous trademark or service mark.

Infringement of source of origins are as follows:

1. Utilizing source of origin, which has been protected, in the manner not in compliance with regulation about source of origin.
2. Utilizing source of origin which is similar to source of origin which has been protected in order to take advantage of the reputation and popularity of said source of origin.
3. Utilizing logo similar or identical to source of origin which has been protected with goods which are not from said source of origin and misleads the users.

#### **Section 109: Infringement of Right in New Plant Variety**

Infringements of right in new plant variety are as follows:

1. Utilizing new plant variety which has been protected during protection period without consent of the right's owner.
2. Utilizing new plant variety without payment of compensation to the right's owner.
3. Utilizing name of plant variety similar or identical to new plant variety which is in the same group of protected plant.

#### **Section 110: Infringement of Copyright and Rights relating to Copyright.**

Infringements of Copyrights are as follows:

1. Utilizing artistic work, literary work or scientific work of other without consent of the right's owner.
2. Claiming his own name to be the creator of other person's work.
3. Publishing of work without consent of the right's owner.
4. Publishing of co-created work without consent of other co-creator.
5. Adapting, adding or deleting partially of any copyrighted work by any method which causes damage to reputation and honor of the creator.
6. Making copy of the work without authorization of the creator or the copyright's owner.
7. Creating the relating work and using of such relating work without authorization of the creator or the copyright's owner.
8. Commercializing any work without authorization of the copyright owner and without paying royalty or any other material interests to the copyright's owner.
9. Sub-renting any work without paying royalty or any other interests to the author or copyright's owner.
10. Making copy, production, publicizing, distributing, displaying or communicating any work to the public by sound or picture broadcasting network or by modern technical tools without authorizing of copyright's owner.
11. Distributing any work without authorization of copyright's owner.
12. Intentionally cancel or bar any technical procedure in protecting copyrighted work of the copyright's owner.
13. Deleting or changing electronic information in protecting copyrighted work by intention.
14. Producing, gathering, changing, distributing, importing, selling or renting any part of apparatus which is known or should be known that such apparatus is to be used for barring function of technical method for protecting copyright of the copyright's owner.
15. Producing and selling illegal work by forging signature of the creator.
16. Importing, exporting or advertising copy of any work without authorization of copyright's owner.

Infringement of Rights Relating to Copyrights are as follows:

1. Claiming name of actor, producer, sound or picture recording person, sound or picture broadcasting organization.

2. Publishing, producing, communicating any performance, sound or picture recording, sound and picture broadcasting to the public without authorization of the actor, sound or picture recording person or sound or picture broadcasting organization.
3. Adapting, adding or deleting partially of any performance by any method which causes damage to reputation and honor of the actor.
4. Reproduction, edition, recording the performance, sound or picture recording, sound and picture broadcasting without authorization of the actor, sound or picture recording person or sound or picture broadcasting organization.
5. Changing rights relating to electronic information protection without authorization of the owner of rights relating copyrights.
6. Intentionally canceling or barring function of technical method for protection of work of the owner of rights relating to copyrights.
7. Selling, importing for sale, broadcasting of sound or picture, communicating copy of sound of performance to the public knowingly or should have known that such recorded performance had been changed without authorization of the owner of rights relating to copyrights.
8. Producing, gathering, changing, distributing, importing, exporting, selling or renting any part of apparatus which is known or should be known that such apparatus is illegally used to decode any coded program through satellite signal.
9. Recording or broadcasting by intention, in commerce, any coded program through satellite signal without authorization of the legitimate seller.

### **Section 111: Unfair Competition.**

Trade or industrial competition which is unjust is deemed to be in violation of law and is unfair competition.

Unfair competition against other persons are as follows:

1. Causing confusion in relation to goods or services under trademark, trade name or service name and industrial design.
2. Destroying reputation and goodwill of trademark, trade name, service name and industrial design.
3. Misleading the public in relation to the manufacturing, facts about quality, quantity, other qualifications, sources, conditions and prices of goods or services.
4. Disgracing the manufacturing procedure and facts about quality and quantity, other qualifications, conditions and prices of goods or services.
5. Disclosing trade secret, without authorization of the right's owner, about sources, uses of trade secret obtained by detection of industries and trade and disclosing of contract termination, losing goodwill or secret obtained from third person.

## **Chapter 8**

## **Disputes and Infringement Settlement**

### **Section 112: Disputes Settlement Measures**

The settlements of disputes relating to the intellectual property against the infringement of the intellectual property owner shall be proceeded by administrative and judiciary procedures.

The settlements of the disputes by the administrative and judiciary procedures shall comply with Section 115 and 117 of this law.

### **Section 113: Infringement Settlement Measures**

The settlements of the infringement against intellectual property can be taken by the following measures:

1. Mediation between the rights' owner and the infringer
2. Administrative settlement
3. Settlement by the board of economic disputes settlement
4. Bringing the case to the court for judgment
5. International disputes settlement

### **Section 114: Mediation**

The owner of intellectual property can mediate with the infringer when it is of the view there is an infringement against his own rights.

### **Section 115: Administrative Settlement**

The owner of the intellectual property can request the intellectual property protection organization to settle the infringement against his own intellectual property.

### **Section 116: Settlement by the Board of Economic Disputes Settlement**

When the administrative settlement cannot be accomplished by intellectual property protection organization, the owner of the intellectual property can request the board of economic disputes settlement for conducting an inquiry and making decision.

### **Section 117: Bringing the Case to the Court**

The disputes relating to intellectual property that cannot be settled by the administrative procedures or by the board of economic disputes settlement, the owner of the intellectual property can bring the case to the Court for making judgment.

### **Section 118: International Disputes Settlement**

The international disputes relating to intellectual property shall be settled in compliance with international treaty and international procedures related thereto.

## **Chapter 9 Protection and Monitoring**

### **Part 1 Protection**

### **Section 119: Intellectual Property Protection Organization**

The government provides protection for intellectual property works, centrally and unity all over the country, by appointing national scientific and technology organization as the center, in coordinating with other relevant sectors such as industrial and commerce, agricultural and forestry, public relation and cultures, education, and public health and financial sectors and other sectors.

Other sectors and parts shall have rights and duty in providing protection of works associated with intellectual property according to their obligation and role.

The intellectual protection organization comprises of:

1. National scientific and technology organization
2. District or city scientific and technology division

In case of necessity, municipality scientific and technology room may be established.

## **Section 120: Rights and Duty of National Scientific and Technology Organization**

In protection of intellectual property works, the national scientific and technology organization shall have the following rights and duty:

1. Researching strategy, policy, rules, laws and plans relating to development of intellectual property works for presentation to the government for consideration.
2. Issuing regulations, agreements, orders or comments and making announcement of intellectual property works.
3. Publicizing and creating appreciation in relation to intellectual property works to society.
4. Persuading, following and evaluating the operation in relation to intellectual property works in all areas over the country according to their obligation and role.
5. Registration and providing services in relation to intellectual property works.
6. Issuing or revoking the certificate in relation to registration of intellectual property and issuing license or revoking license to any person or organization providing intellectual property services.
7. Settlement of disputes requests and infringements of intellectual property
8. Initiating and upgrading the personals in private and state sectors in the aspects of intellectual property works.
9. Coordinating and associating with all relevant sectors and local administrative organizations at any levels for establishing protection of intellectual property works.
10. Involving and co-operating with international sectors in the aspects of intellectual property works.
11. Usually reporting about the establishment of operation in relation to the intellectual property to the government.
12. Exercising others rights and duty as defined in laws and regulations.

## **Section 121: Rights and Duty of the District or City Scientific and Technology Division**

In protection of intellectual property works, the district or city scientific and technology division shall have the following rights and duty:

1. Expanding the policy, rules, laws and plans relating to development of intellectual property works of the national scientific and technology organization as its own regulations and plans; and establishing the operation.
2. Publicizing policy, rules, laws and plans relating to development of intellectual property works of the national scientific and technology organization as well as their own policy and plan; and creating appreciation in relation to intellectual property works to society.
3. Settlement of disputes requests and infringements relating to intellectual property



4. Coordinating and associating with all relevant sectors of district or city, in the establishment of operation of intellectual property
5. Usually reporting about the establishment of operation in relation to the intellectual property to the national scientific and technology organization and the district or city local administrative organization.
6. Exercising others rights and duty as defined in laws and regulations.

## **Part 2**

### **Inspection**

#### **Section 122: Intellectual Property Inspection Organization**

The intellectual property inspection organization comprises of:

1. Internal inspection organization being the same protection organization as defined in Section 119 of this law.
2. External inspection organizations, namely:
  - State inspection organization
  - State examination organization

#### **Section 123: Rights and Duty of Inspection Organization**

The internal and external inspection organizations shall have rights and duty in inspecting the establishment of the operation relating to intellectual property in their responsibility scope.

#### **Section 124: Intellectual Property Inspection at Border**

For interception against the intellectual property infringement, the tariff officer and other competent officers at the border shall have rights and duty in inspecting the imported-exported goods, seizing and confiscating the intellectual property infringed goods, in compliance with the laws and regulations.

#### **Section 125: Intellectual Property Inspection Measures**

The intellectual protection inspection can be taken by the following three measures:

1. Inspecting according to normal plan
2. Inspection exceeding normal plan by informing in advance.
3. Imminent inspecting

The inspection according to the normal plan is the inspection usually taken according to the plan and in exact specified time.

The inspection exceeding normal plan by informing in advance is the inspection outside the scope of plan when it is necessary but informing must be made in advance.

The imminent inspection is an urgent inspection without any informing in advance.

#### **Section 126: Intellectual Property Inspection by Other Organizations**

Other organizations shall have the rights and duty in inspecting intellectual property works according to their obligations and roles as specified in specific regulations.

### **Chapter 10**

#### **Policy on Person Having Extraordinary Work and Infringer**

#### **Section 127: Policy on Person Having Extraordinary Work**

Person or organization having extraordinary works in establishment of operation in compliance with intellectual property laws in protection and safeguard the intellectual property shall be praised; or other policies according to the regulations.

#### **Section 128: Policy for Inventor or Creator**

Person or organization having works in invention or creation shall be praised or rewarded, or other policies according to the regulations.

#### **Section 129: Measures Towards Infringer**

Person or organization violating intellectual property laws shall be educated and trained, discipline performed, fined, civil compensated or criminal punished, as the case may be, light or severe.

#### **Section 130: Education and Training Measures**

Person or organization violating regulations and laws relating to intellectual property for first time without intention and causing damages less than 5 hundred thousand Kip shall be warned, educated and trained.

#### **Section 131: Discipline Measures**

Officer or authorities violating laws and regulations relating to intellectual property and prohibitions being light offence which is not criminal offence and causing damages less than 5 hundred thousand Kip but having no faithful intention to report or fleeing from offences shall be discipline performed, as the case may be, as follows:

1. Censuring or warning according to the civil servant's regulations and recording in official record of person.
2. Refraining from position, salaries and praise promotion
3. Divesting from position or reshuffling to any other lower position.
4. Firing from duty without any policies

### **Section 132: Fine Measures**

Person or organization violating laws and regulations relating to intellectual property with intention or violating without intention for second time which is not criminal offence shall be fined in double of the value of the damages.

### **Section 133: Civil Measures**

Person or organization violating this law caused damage to other person shall compensate for the damages caused.

### **Section 134: Criminal Measures**

Person infringing intellectual property rights, counterfeiting, giving false statement, deceiving or conducting unfair competition in relation to intellectual property causing damage to other person shall be punished with imprisonment from 3 months to 2 years and shall be fined from 5 hundred thousand Kip to 5 million Kip.

In case of other criminal offences, the violator shall be punished according to such criminal laws.

### **Section 135: Increase of Punishment Measures**

Other than the offences as prescribed in Section 130, 131, 132, 133 and 134 of this law, the infringer against intellectual property shall be punished increasingly such as stopping or withdrawing operation license or confiscating of goods, property and vehicles as well as equipments relating to perpetration.

## **Chapter 11 Final Provision**

### **Section 136: Establishment of Law**

The government of the Lao PDR shall implement this law.

### **Section 137: Effectiveness**

The law shall come into force after 90 days as from the date the president of the Lao People's Democratic Republic issues the state Decree in publication.

Any regulations and provisions contrary to this law shall be abrogated.

President of National Assembly