

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

National Assembly

No. 08/NA

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**Law**  
**on**  
**Intellectual Property**

**Section I**  
**General Provisions**

**Article 1. Objectives**

This Law on Intellectual Property determines the principles, regulations and measures relating to the promotion of inventions, creativities, knowledge-based economy, management and protection of intellectual property rights, in order to ensure the interests of the owner of intellectual property and the interests of society, encourage the research and develop science and technology, the transfer of technology within the country and from abroad, effectively promote trade, investment and the competitiveness for the national economy in the era of globalization, aiming to contribute in the gradual industrialization and modernization of the country.

**Article 2. Intellectual Property**

Intellectual property is work of the human mind through inventions and creations having economic value and benefit in social development.

**Article 3. Definitions**

The terms as used in this law have the following meanings:

1. **Intellectual property rights** mean the rights of individuals or organizations to their intellectual property;
2. **Industrial property** means works derived from the human mind which has invented for use in the industrial, handicrafts, agricultural, fisheries, commercial and service sectors;
3. **Industrial property rights** means the rights of individuals or organizations relating to inventions, utility innovation, industrial designs, trade marks, layout-designs of integrated circuits, geographical indications and trade secrets;
4. **Patent** means the official certificate issued by the state organization to protect inventions;
5. **Invention** means the technical solution to create new product or method of production to resolve a specific problem;
6. **Petty patent** means the official certificate issued by the state organization to protect utility innovation.

7. **Utility innovation** means a new innovative work derived through technical improvements which involve simpler steps than with inventions;
8. **Industrial design** means the form or shape of the product which is to be created which includes the shape, pattern, line, color, etc.;
9. **Mark** means any sign which may be an image, word, letter, number, signature, name of person, color, form or shape of an item or any one of the above mentioned or a combination, etc... to use or to be used as a trademark;
10. **Trademark** means the mark provided for in Item 9 of this Article to use with goods and services as well as to distinguish between these goods, services and other goods and services;
11. **Collective trademark** means the trademark used by affiliated enterprises or members of an association, cooperative, state or private organization or a group of individuals;
12. **Certification mark** means the trademark which the owner has permitted the use of by individuals or organizations for use with their goods or services in order to certify the characteristic which relate to the origin, raw materials and production methods of the goods or methods of services supply, type, quality, safety or other characteristics of the goods or services;
13. **Well-known mark** means a trademark which is widely recognized within the territory of the Lao PDR, in other countries, the region and the world;
14. **Trade name** means the name of an enterprise use in business to distinguish between its enterprise and other enterprises which operate in the same business sector;
15. **Integrated circuit** means a product, in its final form or an intermediate form in which the elements at least one of which is an active element and which is intended to perform an electronic function;
16. **Layout-design of integrated circuit** means a three-dimensional disposition of circuitry elements and the interconnections of an integrated circuit which form a layout-design of integrated circuit;
17. **Geographical indication** means a sign used to indicate a product as originating from a country, region, locality, or specific area where a given quality and reputation;
18. **Trade secret** means commercial information not known or not generally used, such as: formula, production process, or any information which provides the owner a competitive business advantage;
19. **Plant variety** means a plant group being the same or similar genetically and biologically, having particular genotype characteristics distinct from other groups of the same plant and remaining uniform and stability during propagation;
20. **New plant variety** means the improvement or development of plant variety which may through genetic engineering or biotechnology resulting in a new plant variety which does not exist in the nature;
21. **Indigenous plant variety and wild plant variety** means indigenous plant variety which has specific characteristics and beneficial uses which are grown in many locations within the country or in the wild;

22. **Local plant variety** means plant variety which has specific characteristics and beneficial uses which are grown specifically in certain location within the country;
23. **New plant variety right** means the right of individuals or organizations over the created or discovered and developed plant;
24. **Local plant variety right** means the right of a community living in one particular location continuously from one generation to another who have jointly preserved or cultivated plant variety which are grown in that location;
25. **Copyright** means a work of the human mind which is created by the author in the domains of art and literature, including scientific works;
26. **Related right** means the right of an individual or organization relating to copyright in the domains of performance, phonograms and broadcasting or satellite signal carrying encrypted program;
27. **Works** means a creative work by an individual or organization in the domains of art, literature and science shown in any form or method;
28. **Derivative works** means a work translated from any language into Lao or any other language or from Lao into another language, adapted, modified, transformed, compiled, interpreted, elucidated, a selected or chosen work;
29. **Published works, phonograms** means a work or phonogram made available to the public in an appropriate number of copies as agreed by the owner of copyright or the owner of the related rights;
30. **Reproduction** means the copying of a work or phonogram in a certain number, or numerous copies by any method, including the permanent or temporary keeping of the information of the work.
31. **Broadcasting** means making works available to the public through radio or television broadcasts or by other similar means, such as: the internet, or satellite transmissions, etc.;
32. **Traditional art and literature** means collections of traditional creative works of a community or group reflecting the way of life of the community;
33. **Applied art** means adaptations of art to be used for other purposes;
34. **Registration certificate** means the certification issued by a state organization to an individual or organization to certify the ownership of the industrial property relating to the invention, utility innovation, industrial design, trademark, layout-design of integrated circuit, geographical indication and plant variety;
35. **Priority date** means the date of filing the first application for registration abroad prior to the date of filing the application for registration in the Lao PDR;
36. **Utilization** means the production, offering for sale, advertising, storing for sale, sale, distribution, circulation, import and export.

#### **Article 4. State Policy Relating to Intellectual Property**

The state promotes the development of intellectual property activities and the exploitation of the fruits of invention, the creativity of individuals or organizations as well as recognizes and protects the rights and interests of the owner of intellectual property.

The state encourages activities and investment in the intellectual property sector by laying down policies, laws and regulations, and measures to accommodate such investment.

The state protects intellectual property which is not contrary to national defense, public security, sanitation, the environment, laws and regulations, culture or fine traditions of the nation.

**Article 5. General Principles Relating to Intellectual Property**

The General principles relating to intellectual property are as follows:

1. recognition, protection and to ensure fairness for the owner of intellectual property;
2. protection of industrial property in the Lao PDR shall be applicable when the owner of industrial property has registered its industrial property;
3. copyright and related rights are protected immediately after the work in artistic and literary domain is created, including scientific works;
4. all use of intellectual property for commercial purpose must first be authorized by the owner of the rights;
5. in the case that provisions under international conventions to which the Lao PDR is a state party or agreements to which it is a signatory contravene provisions of this law, the provisions of the international convention or agreement shall prevail.

**Article 6. Scope of Application of the Intellectual Property Law**

This law is applicable to domestic and foreign individuals and organizations who are involved in intellectual property activities under this law and international conventions to which the Lao PDR is a party.

**Article 7. International Cooperation**

The state promotes international cooperation in relation to intellectual property activities based on respect of each other's independence, sovereignty, mutual benefit for the development and management of intellectual property activities, technical expertise exchange; the exchange of technology, information, to enhance the level of personnel, participation and implementation of international conventions and agreements to which the Lao PDR is a party.

**Section II  
Intellectual Property**

**Article 8. Intellectual Property Framework**

Intellectual property includes:

1. industrial property;
2. plant varieties;
3. copyright and related rights.

**Article 9. Industrial Property**

Industrial property includes:

1. patents;
2. petty patents;
3. industrial designs;
4. trademarks;
5. layout-design of integrated circuits;
6. geographical indications;
7. trade secrets.

**Article 10. Plants Varieties**

Plants varieties include:

1. indigenous plant varieties and wild plant varieties;
2. local plant varieties;
3. new plant varieties.

**Article 11. Copyright and Related Rights**

Copyright and related rights include:

1. copyrights to the works in artistic domain, literary domain, and scientific domain including computer programs;
2. related rights to the works of performers, producers of phonograms and broadcasting organization.

**Section III  
Industrial Property**

**Part 1  
Industrial Property Requirements**

**Article 12. Requirements for Obtaining an Industrial Property Registration Certificate**

In order to obtain an industrial property registration certificate all the requirements provided for in Articles 13, 14, 15, 16, 17, 18, 19 and 20 of this law must be met.

**Article 13. Requirements for Obtaining a Patent**

In order to obtain a patent an invention must meet the following requirements:

1. the invention must be new, meaning, such invention has not existed, not been disclosed to the public by publication, or by use or in any other means in the Lao PDR or any place in the world prior to the date of filing the application for registration or prior to the priority date of the application for registration of the invention;

2. the invention involves an inventive step, meaning that the invention is related to a previous invention whereby the person having knowledge in that field can understand;
3. can be applied in production, meaning that the invention can be applied usefully in industry, handicraft, agriculture, fishery, services, etc.

**Article 14. Requirements for Obtaining a Petty Patent**

The requirements to be met in order for a utility innovation to obtain a petty patent are similar to the requirements for obtaining a patent, but are simpler than for an invention.

**Article 15. Requirements for Obtaining an Industrial Design Certificate**

In order to obtain an industrial design certificate the industrial design must be new. An industrial design shall be deemed new if that industrial design has not been disclosed to the public by publication or by use or displayed, or in any other means in the Lao PDR or any place in the world prior to the date of filing the application for registration or prior to the priority date of the application for registration.

**Article 16. Requirements for Obtaining a Trademark Certificate**

In order to obtain a trademark certificate the following requirements must be met:

1. a mark shall be clear, visible, which may be in the form of letters, words, numbers, pictures, drawings, photographs, names of persons, signatures, shapes including three dimensional objects, groups of colors or a combination of such or one or more colors;
2. a mark not displaying any of the characteristics prohibited under Article 23 of this law;
3. a mark not identical with or similar to a trademark previously registered by another person.

**Article 17. Requirements for Well-Known Trademarks**

Any trademark shall be deemed well-known when it meets the following requirements:

1. consumers recognize the trademark by way of trade, use of the product, goods, services bearing the trademark or through widespread advertising;
2. the products, goods, services are widely circulated bearing the trademark within the territory;
3. items from the sale of goods or supply of services bearing the trademark or the volume of goods sold, wide provision of services;
4. the period of use of the trademark shall be regular and continuous;
5. goodwill in use of the trademark with the products, goods, services having the good quality and being widely popular;
6. domestic consumers certify and widely recognize the reputation of the trademark;
7. high value of investment in the trademark.

This law will protect well-known trademarks whether registered or otherwise and will not permit individuals or organizations, both domestic and foreign who is not the owner of the well-known trademark to register or use an identical with or similar trademarks as such well-known trademarks.

**Article 18. Requirements for Obtaining a Layout-design of Integrated Circuits Certificate**

In order to obtain a layout-design of integrated circuit certificate the following requirements must be met:

1. a layout-design of integrated circuit which a designer has created by combining of elements, interconnections of layout-designs or integrated circuits that are commonplace among creators of layout-designs and in a way of resulting in the layout-design which is not commonplace in the integrated circuit industry;
2. a layout-design of integrated circuit which a designer has created by himself and is not commonplace in the integrated circuit industry.

**Article 19. Requirements for Obtaining a Geographical Indication Certificate**

In order to obtain a geographical indication certificate the following requirements must be met:

1. the geographical indication includes natural factors including conditions of the soil, air, water, ecology, and other natural conditions;
2. the geographical indicator includes human factors including recognition, skill and the experience of the manufacturer and traditional production methods of that locality.

These two factors are requirements on determining whether such product has the reputation, quality and specific characteristics.

**Article 20. Requirements of Trade Secrets**

The requirements for being considered trade secrets are as follows:

1. the information must benefit the business operations or services;
2. the information must not be known to the ordinary person;
3. the information must not have been accessed by relevant persons.

These three requirements result in the owner of the trade secret benefiting over its competitors.

**Part 2  
Industrial Property Ineligible for Registration**

**Article 21. Inventions and Utility innovations Ineligible for Patents and Petty Patents**

Inventions or utility innovation which are ineligible for patents or petty patents are: discoveries of existing things, discoveries of rules and scientific theories, mathematical methods, schemes, rules or methods for doing business, playing games, mental treatment, medical treatment of humans or animals, microorganisms and any part thereof which exist in the nature or which can be extracted from animals or plants, inventions and utility innovation which are contrary to national defense and public security, sanitation, the environment, laws, culture and the fine traditions of the nation.

**Article 22. Industrial Designs Ineligible for Registration**

Industrial designs ineligible for registration are as follows:

1. external shape of industrial designs that is dictated by its technical features of the designs;
2. industrial designs that are contrary to social order and the fine traditions of the nation.

**Article 23. Trademarks Ineligible for Registration**

Trademarks ineligible for registration are as follows:

1. marks which are unclear making it impossible to distinguish between products, goods and services of an individual or organization from those of other individuals or organizations;
2. marks which are misleading the public or trade circles or which are of a fraudulent nature relating to the origin, characteristics, quality, including value or other characteristics of their products, goods or services;
3. marks which are imitations, fakes which mislead the consumer or user;
4. marks which contain national emblems, flags, cultural symbols or historical monuments, images of national heroes, images of leaders, abbreviations or full names of towns, provinces of the Lao PDR or foreign countries;
5. emblems of international organizations or symbols created by international conventions, official seals or symbols of state or international organizations, except in cases where the relevant party obtains authorization from the state or relevant international organization;
6. marks which are identical, or similar to trademarks of any goods or services already registered;
7. marks which are contrary to national security, social order, laws and regulations, culture and the fine traditions of the nation.

**Article 24. Layout-designs of Integrated Circuits Ineligible for Registration**

Layout-designs of integrated circuits ineligible for registration are as follows:

1. principles, processes, systems or methods operated by integrated circuits;
2. information or software contained in the integrated circuits.

**Article 25. Geographical indications Ineligible for Registration**

Geographical indications ineligible for registration are as follows:



1. names of geographical indications which have become generic names of goods in the Lao PDR;
2. foreign geographical indications which are not protected or have not been used for a long period;
3. geographical indications which are identical with or similar to protected trademarks which leads to misunderstanding as to the origin of the said goods;
4. geographical indications which misleading consumers as to the true source origin of products.

**Article 26. Data Ineligible for Protection as Trade Secrets**

Data which is ineligible for protection as a trade secret includes confidential information of individuals, state management and administration, national defense, public security and other confidential information not related to commerce.

**Part 3  
Registration of Industrial Property**

**Article 27. Filing Applications for Registration**

Domestic or foreign individuals and organizations may apply for registration of their industrial property with the intellectual property administration authority or with an international intellectual property registration organization to which the Lao PDR is a party.

Individual or organization located abroad which wish to register industrial property in the Lao PDR must have a legal representative in the Lao PDR.

**Article 28. Principles used for Consideration of Applications for Registration**

If there are many applicants requesting registration for the same or similar industrial property which are in compliance with registration regulations, the person who file first or the person who obtained priority date shall be considered first.

**Article 29. Priority Date**

The person who has obtained priority date is the individual or organization which filed the application for registration abroad before the person who filed the application for registration in the Lao PDR.

For patents and petty patents the priority date is valid for not more than twelve months from the date of filing an application abroad until the date of filing the application in the Lao PDR. For industrial designs or trademarks the priority date is valid for not more than six months. In case the said periods are expired, the date of filing shall be considered the date of application in the Lao PDR.

The rules concerning such priority date shall be applied in exactly the same way for an applicant who files an application for registration in the Lao PDR prior to filing abroad.

**Article 30. Applications for Registration of Inventions or Utility innovations**

Applications for registration of inventions or utility innovations shall include the following documents:

1. a request for registration of the invention;
2. power of attorney;
3. description;
4. claims;
5. drawings;
6. abstract;
7. certification of priority date;
8. receipt of payment of fees.

One registration application is valid for only one invention or utility innovation and may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days from the date of filing the application and the translation must be certified.

**Article 31. Applications for Registration of Industrial Designs**

Applications for registration of industrial designs shall include the following documents:

1. a request for registration of the industrial design;
2. power of attorney;
3. drawings, photographs or lines that comprise the industrial design which are used for any specific products;
4. sample of the industrial design;
5. certification of priority date;
6. receipt of payment of fees.

One registration application is valid for the industrial design of the same set in the same class of the international classification.

In the case that the applicant is a foreign national, the application may be filed in the English or Lao languages.

**Article 32. Applications for Registration of Trademarks**

Applications for registration of trademarks shall include the following documents:

1. a request for registration of the trademark;
2. power of attorney;
3. a sample of the trademark or service mark;
4. regulations for use of the mark;

5. certification of priority date;
6. receipts of payment of fees.

One registration application is valid for only one trademark in one class of goods or services under the international classification.

In the case that the applicant is a foreign national, the application may be filed in the English or Lao languages.

**Article 33. Applications for Registration of Layout-designs of Integrated Circuits**

Applications for registration of layout-design of integrated circuit shall include the following documents:

1. a request for registration of layout-design of integrated circuit ;
2. power of attorney;
3. description;
4. claims;
5. drawings and photographs of layout design of integrated circuit and a sample of the semi-conductors;
6. abstract;
7. certification of priority date;
8. receipts of payment of fees.

One registration application is valid for only one layout-design of integrated circuit and may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days from the date of filing the application and the translation must be certified.

**Article 34. Applications for Registration of Geographical Indications**

Applications for registration of geographical indications shall include the following documents:

1. a request for registration of the geographical indication;
2. power of attorney;
3. a copy of the geographical indication registration certificate abroad;
4. receipts of payment of fees.

One registration application is valid for only one geographical indication and may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days from the date of filing the application and the translation must be certified

**Article 35. Provision of Additional Information**

When required by the registration unit, the applicant shall furnish information on the registration of industrial property abroad, especially in relation to the same industrial

property which is presently under application in the Lao PDR, such information shall include:

1. a copy of the examination report of the industrial property abroad;
2. a copy of the industrial property registration certificate obtained abroad.

**Article 36. Filing and Receiving Industrial Property Registration Applications**

Applications for registration of industrial property must be filed only with the intellectual property administration authority. The application shall include at least the following documents and information:

1. application for registration of the invention, utility innovation, industrial design, trademark, layout-design of integrated circuit and geographical indication;
2. specifications, including the scope of protection for registration applications of invention or utility innovation; for registration applications of industrial design, photographs or drawings; for the registration of trademark, samples of mark and list of goods or services used with such mark; for the registration of geographical indication, explanation of the specific characteristics of the geographical indication;
3. receipt of payment of fees.

When application for registration complies with the provisions of Items 1, 2 and 3 of this Article, the registration unit will provide the date of filing the application or the date of filing the international application in the case that the registration application has been filed with an international industrial property registration organization to which the Lao PDR is a party.

**Article 37. Formality Examination of Industrial Property Registration Applications**

The formality examination of industrial property registration applications involves the following steps:

1. completeness of the application;
2. requirements for obtaining protection;
3. rights of the applicant;
4. payment of fees.

After the formality examination, if it is considered that the application is incomplete, the registration unit will inform the applicant to complete the application within 60 days of notification.

**Article 38. Publication of Industrial Property Registration Applications**

After the registration unit has completed its formality examination of the invention or utility innovation registration application; the registration unit will publish the application

in the official industrial property gazette in the 19th month after the date of filing the application or after the priority date.

**Article 39. Requests for Substantive Examination of Invention or Utility innovation Registration Applications**

In the case that the applicant is unable to provide substantive examination reports of the invention or utility innovation which is under application for registration, the applicant may submit a request to the registration unit to examine as to substance the application. The registration unit will undertake the examination within the following time-frames: 32 months for an invention and 12 months for a utility innovation from the date of filing the application or the priority date. However, all expenses incurred in the request for the examination of the invention or utility registration application shall be the burden of the requestor.

**Article 40. Substantive Examination of Industrial Property Registration Applications**

After the registration unit has completed its formality examination of the registration application, the registration unit will examine as to substance the industrial design, trademark and geographical indication applications for registration.

The layout-design of integrated circuit registration application is not examined as to substance.

**Article 41. Void Industrial Property Registration Applications**

Industrial property applications for registration shall be deemed void when they do not meet the following requirements:

1. the application is incomplete;
2. the industrial property does not meet the requirements for protection;
3. the applicant is not entitled to apply for registration;
4. the applicant fails to pay the fees;
5. the applicant did not request substantive examination of the invention or utility registration application within the period provided for in Article 39 of this law.

**Article 42. Registrations**

After consideration and examination of the industrial property registration applications which are considered to fulfill the requirements provided for in this law, the intellectual property administration authority will issue an industrial property registration certificate, enter the registration in the register and publish the registration in the official industrial property gazette.

**Article 43. Void Registrations**

Void industrial property registrations are as follows:

1. the protection under the registration certificate is expired;
2. the industrial property owner fails to renew the registration;
3. the industrial property owner fails to pay fees;
4. the failure to exploit the industrial property after registration as provided for in the application principles of this law.

#### **Part 4** **Industrial Property Rights Owner**

##### **Article 44. Industrial Property Rights Owner**

After obtaining lawful registration, the applicant shall become the owner of the industrial property.

In the case that the industrial property creation or design is hired out, the industrial property owner shall be the hirer, except where agreed otherwise by the parties.

##### **Article 45. Rights of the Industrial Property Owner**

The industrial property owner has the following rights:

1. to manufacture;
2. to rent out for manufacture;
3. to transfer to another person by sale or assignment;
4. to inherit;
5. to enjoy the benefits from products derived from the industrial property or any product obtained from production methods derived from the industrial property;
6. to protect its industrial property from violation by other parties by filing requests or court proceedings;
7. to store, advertise, circulate, offer for sale, export and import products obtained from the industrial property.

**Part 5**  
**Term of Protection of Industrial Property**

**Article 46. Term of Protection of Patents**

The term of protection of patents shall be 20 years from the date of filing the application for registration. In order to maintain the term of protection, the patent owner must pay annual fees in advance.

**Article 47. Term of Protection of Petty Patents**

The term of protection of petty patents shall be 10 years from the date of filing the application for registration and may be extended one time for a period of two years.

In order to maintain the term of protection, the petty patent owner must pay annual fees in advance.

**Article 48. Term of Protection of Industrial Designs**

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

In order to maintain the term of protection, the industrial design owner must pay fees in advance every five years.

**Article 49. Term of Protection of Trademarks**

The term of protection of trademarks shall be 10 years from the date of filing the application for registration. Upon expiry the term of protection may be infinitely renewed and each period of renewal will be for 10 years.

In order to maintain the term of protection the owner of the trademark must pay fees every 10 years in advance.

**Article 50. Term of Protection of Layout-designs of Integrated Circuits**

The term of protection of layout-designs of integrated circuits shall be 12 years from the date of filing the application for registration.

In order to maintain the term of protection the layout-design of integrated circuit owner must pay annual fees in advance.

**Article 51. Term of Protection of Geographical indications**

The term of protection of geographical indications is unlimited and commences from the date of receipt of the registration certificate and payment of a one-time fee.

**Article 52. Term of Protection of Trade Secrets**

Trade secrets are protected for an unlimited period or until they are revealed.

## **Part 6**

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

#### **Article 53. Exercising of Rights on Patents or Petty Patents**

In cases where it is necessary for the national defense, public security, food nutrition, sanitation of the Lao public without any commercial purposes, the government can authorize any other individuals and organizations to exploit the patent or petty patent without the consent of the patent or petty patent owner but such exploitation shall be based within the scope of approval of the government, but the patent or petty patent owner must be notified and an adequate remuneration must be paid to the patent or petty patent owner. The patent or petty patent owner has the right to petition against any order or remuneration which it deems unreasonable within 60 days of receipt of the notification order.

In the case that the country falls into a state of emergency due to a national disaster or war, the prime minister has the right to issue an order authorizing other individuals or organizations to exercise the rights on patents or petty patents and perform as provided for in the above paragraph.

#### **Article 54. Exploitation of Patents or Petty Patents**

In the case that an invention or utility innovation for which the patent or petty patent was obtained is not exploited or only partially exploited after three years of grant of the patent or petty patent, the state will notify the owner of the rights to provide a written explanation within 90 days; in the case that the owner fails to reply or the reply is unreasonable the state shall authorize other person who requested to exploit the invention or utility innovation.

#### **Article 55. Exploitation of Trademarks**

In the case that a registered trademark is not exploited in the Lao PDR consecutively within five years, the state will notify the owner of the rights in order that the relevant party may provide a written explanation within 90 days; in the case that the owner fails to reply or the reply is unreasonable the state shall authorize another person who requested to exploit the trademark.

#### **Article 56. Exploitation of Layout-designs of Integrated Circuits**

In the case that a layout-design integrated circuit is exploited for commercial benefits, whether within or outside the country, the application for registration of the layout-design integrated circuit must be filed within two years of the first commercial exploitation of the layout-design of integrated circuit, or commencing from the date of creation, but the term shall not exceed 15 years.

#### **Article 57. Exploitation of Geographical indications**

In the case that an individual or organization fails to perform under the requirements of the registration of the geographical indication, the intellectual property administration authority shall notify the individual or organization to perform under the requirements or within the time-period provided by the intellectual property administration authority. If the individual or organization fails to perform under the requirements and within the time-period without



due reason, the intellectual property administration authority will order the suspension of the exploitation of such geographical indication.

## **Part 7**

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

#### **Article 58. General Obligations of the Industrial Property Owner**

The general obligations of the industrial property owner are as follows:

1. to be responsible for the protection and management of its rights through monitoring and inspection of the use of the industrial property as provided for in this law;
2. to be responsible to encourage and promote the use of its industrial property by society based on mutual benefit;
3. to be responsible for providing information about violations of its industrial property to the state organizations responsible for such activities;
4. to make financial obligations to the state pursuant to laws and regulations derived from the exploitation, leasing, transfer or inheritance of the industrial property or arising from other benefits;
5. to be responsible for coordinating the remedy of violations of its industrial property.

#### **Article 59. Specific Obligations of the Industrial Property Owner**

The specific obligations of the patent or petty patent, industrial design, trademark, layout-design of integrated circuit, geographical indication and trade secret owner are determined in separate regulations.

## **Section IV**

### **Plant Varieties**

#### **Part 1**

#### **Plant Variety Requirements**

#### **Article 60. Requirements for Obtaining Registration Certificates for Local Plant Varieties, Indigenous Plant Varieties and Wild Plant Varieties**

The requirements for obtaining registration certificates for local plant varieties, indigenous plant varieties and wild plant varieties are that the specific characteristics of the plants must be identified and have a beneficial use, occurring in many localities, villages or in the wild within the country.

The detailed requirements for registration are determined in separate regulations.

#### **Article 61. Requirements for Obtaining Registration Certificates for New Plant Varieties**

The new plant variety must be an improvement to the existing variety or development through genetic engineering or biotechnology resulting in a new plant variety which does not exist in the nature.

A plant will receive protection as a new plant variety when such plant fulfills the following requirements:

1. Novelty, the new plant variety has not been sold or disposed in the Lao PDR for a period of one year before the date of filing an application;
2. Distinctness, the plant variety must clearly distinct from other whose existence is the matter of common knowledge of a major genetic aspects or distinguished at least one of those characteristics or a combination of many characteristics;
3. Uniformity, the plant variety is sufficiently uniform such as, the characteristics of the stem, the shape and color of the flowers, the characteristics of the bud or any single specific characteristic resulting from a genetic aspects;
4. Stability meaning that such plant is able to show the relevant characteristics of the plant variety remain unchanged after repeated propagation
5. Denomination the plant must have been assigned a different name from any other existing plant.

**Article 62. New Plant Varieties which may not be registered**

New plant varieties which may not be registered are as follows:

1. new plant variety that have a serious direct or indirect impact on sanitation, the environment or laws and regulations;
2. new plant variety obtained through genetically modified organism process which have not been evaluated by technical unit under the principles and methodology determined by the relevant authorities for their impacts against safety, sanitation, environment or laws and regulations.

**Part 2**

**Registration of New Plant Varieties**

**Article 63. Applications for Registration of New Plant Varieties**

The filing of an application for registration and the principles used in consideration of the applications shall be performed in accordance with Articles 27 and 28 of this law.

**Article 64. Priority Date**

The person who has obtained priority date is the individual or organization which filed the application for registration of the plant variety abroad before the person who filed the application for registration in the Lao PDR which is valid for not more than 12 months from the date of filing the application abroad until the date of filing the application in the Lao PDR.

The rules concerning such priority date are applied in exactly the same way for an applicant who files an application for registration in the Lao PDR prior to filing abroad.

**Article 65. Application for Registration**

An application for registration of a new plant variety comprise of the following documents:

1. a request for the registration of the new plant variety;
2. power of attorney;
3. photograph and technical questionnaire;
4. certification of priority date;
5. receipt of payment of fees.

One registration application is valid for only one plant variety. The application may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days from the date of filing the application and the translation must be certified.

**Article 66. Provision of Additional Information**

When required by the registration unit in the Lao PDR, the applicant shall furnish additional information on the registration of that new plant variety that was filed abroad for which the applicant is now filing for registration in the Lao PDR. The additional information shall include:

1. a copy of the examination report of the new plant variety registration application abroad;
2. a copy of the new plant variety registration certificate obtained abroad.

**Article 67. Steps for the Examination of New Plant Variety Applications, Void Applications, Registration, Void Registrations**

The steps for the examination of new plant variety applications, void applications, registrations, and void registrations shall be implemented in accordance with Articles 37, 38, 39, 41, 42 and 43 of this law.

**Part 3**

**Owner of the New Plant Variety Rights**

**Article 68. Owner of the New Plant Variety Rights**

The owner of the new protected plant variety is the individual or organization which improved or discovered and developed the plant. In the case that the improvement or discovery and development of the new plant variety is hired out, the new plant variety belongs to the hirer, except where agreed otherwise by the parties.

**Article 69. Rights of the New Plant Variety Owner**

The rights of the new plant variety owner shall be implemented under Article 45 of this law.

**Article 70. Term of Protection of the New Plant Varieties**

The term of protection of the new plant variety shall be 25 years for trees and 15 years for plants from the date of filing the application for registration.

In order to maintain the term of protection, the new plant variety owner must pay its fees annually.

**Part 4**  
**Limitations and Obligations Relating to New Plant Varieties**

**Article 71. Exemptions in Special Circumstances**

In cases where it is necessary in order to ensure food supply, prevent commercial monopolies or for other public urgent needs the government can issue notifications allowing other persons the exploitation of such new plant varieties, but the owner of the new plant variety right shall be adequately remunerated. Such notification shall limit the period of exploitation and determine the rate of remuneration.

After implementation of the above, but the food supply issues have not been resolved or the commercial monopolies has not been effectively prevented, the government is entitled to revoke the registration of the new plant variety by providing adequate remuneration.

**Article 72. Exemptions Relating to the Exploitation of New Plant Varieties**

The following acts shall not be deemed a violation of the rights relating to the protected new plant variety:

1. personal use for non-commercial purpose;
2. for experimental and research purposes;
3. for the purpose of breeding other varieties;
4. cultivation by farmers in the next season.

**Article 73. Obligations of the New Plant Owner**

The obligations of the new plant owner shall be applied under Article 58 of this law.

**Section V**  
**Copyright and Related Rights**

**Part 1**  
**Copyright Requirements**

**Article 74. Requirements for Protection of Copyright**

The requirements for protection of copyright include:

1. Artistic works means various works, such as:

- 1.1 drawings, paintings, carvings, tapestry or embroidery and other works of fine art;
  - 1.2 sculptures, engravings and other works of sculpture;
  - 1.3 designs of buildings or construction, internal or external decorations designs and other architectural works;
  - 1.4 photographs using technical methods;
  - 1.5 illustrations, maps, plans, sketches and three dimensional works relative to geography, topography or scientific;
  - 1.6 dramatico-musical works, pantomimes or drama, choreographic works and other works created for performance;
  - 1.7 music, meaning works of rhythm, and lyrics or scales, including edited notes or tunes;
  - 1.8 phonogram meaning recording works into recording equipment, such as: records, cassettes, video cassettes, laser discs, CD Roms, video discs, DVDs, MP3s, MP4s or other recording methods;
  - 1.9 film, meaning an audiovisual work which consist sequence of images which can be continuously projected as moving pictures and can be recorded upon other materials so as to be also continuously projected as moving pictures including the sound tracks of such film.
2. Works of literature means various works, such as:
    - 2.1 books, thesis, brochures, magazines, printed matters and other writings works;
    - 2.2 speeches, addresses, discourses, sermons, lessons, and other oral works;
    - 2.3 dramas, stories;
    - 2.4 computer programs and data compilations.

**Article 75. Derivative Works**

Derivative works are translations of works from any language into the Lao language or another language or from the Lao language into another language, modifications, adaptations, transformations, compilations, interpretations, explanations of selected or chosen works.

The protection of such works shall be implemented under Article 74 of this law without affecting the works provided for under that Article.

**Article 76. Items Ineligible for Copyright Protection**

The following are ineligible for copyright protection:

1. information just for the purpose of news communication;
2. legislations, administrative regulations, judicial documents and official translations;
3. methods, systems, methods of operation, definitions, principles and statistics.

## **Part 2**

### **Related Rights Requirements**

#### **Article 77. Persons Eligible for Protection of Related Rights**

Persons eligible for protection of related rights shall be:

1. actors, singers, musicians, dancers, and others who perform works in artistic and literary domain and are called performers;
2. individuals or organizations which produce the phonogram of a performance for the first time and are called the producer of phonograms;
3. the organizations which initiated and made the radio broadcast, image broadcast or sound-image broadcast and are called broadcasting organizations.

#### **Article 78. Requirements for Protection of Related Rights**

Protected related rights are:

1. Performances:
  - 1.1 performances by Lao citizens, aliens or stateless persons in the country or abroad;
  - 1.2 performances by foreign nationals in the Lao PDR;
  - 1.3 performances which are protected under international conventions which the Lao PDR is a party.
2. Phonograms:
  - 2.1 producer of phonogram who is national of Lao PDR;
  - 2.2 phonograms which are protected under international conventions to which the Lao PDR is a party.
3. Broadcast a satellite signal carrying encrypted programs:
  - 3.1 broadcast satellite signal carrying encrypted program of broadcasting organizations which are nationals of Lao PDR;
  - 3.2 broadcast satellite signal carrying encrypted program of the broadcasting organizations which are protected under international conventions which the Lao PDR is a party.
4. Performances, phonograms and broadcasts satellite signal carrying encrypted program shall be protected as stipulated in Items 1, 2, 3 of this Article without affecting the works stipulated in this Article.

## **Part 3**

### **Notification of Copyright or Related Rights**

#### **Article 79. Notification of Copyright or Related Rights**

Copyright or related rights are the rights which arise immediately when the work is created. Registration is not required, but the work can be recorded with the organizations responsible for such activities to be used as evidence or for information purposes, especially in the event of a violation or dispute.

**Article 80. Application for Notification of Copyright or Related Rights**

Application for notifications of copyright or related rights include:

1. a request for notification of copyright or related rights;
2. the created copyright or related rights work;
3. other related evidence, such as: copy of identification card, enterprise registration certificate (in case that the applicant is an organization), power of attorney (in case that the applicant is not the copyright or related rights owner).

**Article 81. Recording the Copyright or Related Rights Notification**

The organizations responsible for copyright and related rights activities will examine the application for notification of copyright or related rights, then enter it into the notification records and issue a receipt of notification of copyright or related rights as evidence. The copyright or related rights notification does not determine the rights of the applicant.

**Part 4  
Copyright Owner**

**Article 82. Copyright Owner**

The copyright owner is the following individual or organization:

1. the author;
2. the joint author;
3. the individual or organization which hired the author;
4. assignee of the copyright;
5. inheritor;
6. the state.

**Article 83. Categories of Copyright Owner**

There are four categories of copyright owner as follows:

1. general copyright owner relating to artistic and literary works;
2. film and drama copyright owner;
3. computer program owner;
4. the owner of the traditional art and literature, namely the local community.

**Article 84. Rights of the Copyright Owner**

The copyright owner has the following rights:

1. to name its work;
2. to use its real name, pseudonym or pen name;
3. to perform the work in public;
4. to publish the work or permit others to publish the work;
5. to reproduce or modify the work;

6. to circulate the original work or a copy of the work to the public;
7. to communicate the work to the public through a wired or wireless communications system through electronic information network or by other technical means;
8. to create derivative works;
9. to lease the original work or a copy of the film or computer program;
10. to provide interests in the copyright to others, such as: assign the copyright to another person for research;
11. to protect the whole part of the work, to prohibit any person from alteration, addition, mutilation, or other modification in any form to such work that would be prejudicial to the dignity and reputation of the copyright owner.

**Article 85. Film and Drama Copyright Owner**

The film and drama copyright owner includes:

1. the person who are directors of production, editors, cameramen, stage managers, composers, scenarists, sound technician, lighting technician, studio artists, studio-instrument managers, technical managers and others who participated in the creation of the film and drama.

The film and drama copyright owner shall obtain the rights stipulated in Article 84 of this law and other rights so agreed between the parties;

2. the individuals or organizations who invest finance, material and technical facilities in making the film and drama work shall be the rights owners stipulated in Articles 83 and 84 of this law;
3. the individuals or organizations stipulated in Item 2 of this Article have the obligation to pay remuneration and other physical benefits by agreement to the persons stipulated in Item 1 of this Article.

**Article 86. Computer Programs and Data Compilations**

Computer program is a set of instructions or any other thing used by a computer to make it work or to generate certain results no matter what the computer language is. Computer programs shall be protected same as literature.

Data compilation is the collection of data stored in one location showed in the selection or arrangement of data in electronic form or other forms. The copyright protection of data compilations does not include the protection of copyrighted data and does not prejudice those copyright holders.

**Article 87. Copyright to Traditional Artistic and Literary Works**

Traditional artistic and literary works means the production of collective creations based on the tradition of a community or group reflecting the way of life of the community, which



the expression appropriate to its cultural and social characters and its criteria and value are handed down orally through the generations or by imitation or made similar, such as:

1. folk tales, poems, riddles, proverbs;
2. folk-songs, traditional opera, instrumental folk music;
3. folk-dance, traditional plays, ceremonial rites and traditional competitions;
4. musical instruments, paintings, drawings, carvings, architectural designs which have been created using local materials and equipments.

Individuals or organizations which use traditional artistic and literary works must indicate the origin of those expressions of folklore and preserve their original values.

## **Part 5 Related Rights Owner**

### **Article 88. Related Rights Owner**

Related rights owners are as follows:

1. performers;
2. phonogram producers;
3. broadcasting organizations.

### **Article 89. Rights of Performers**

Performers have the following rights:

1. to insert the name of the performer in the performance or on the distribution of the audio-visual disc or broadcasting such performance;
2. to protect the performance images and not permit others to modify, transform, add or mutilate to such performance in any form that would be prejudicial to the dignity and reputation of the performer;
3. to record live performances of the performer onto audio-visual discs;
4. to reproduce live performance of the performer onto audio-visual discs directly or indirectly;
5. to broadcast and communicate the non-recorded performance to the public;
6. to circulate the recorded performance or copies of such recording to the public by sale, lease or other technical means which are accessible by the public.

### **Article 90. Rights of Producers of Phonograms**

The producer of a phonogram has the following rights:

1. to carry out itself or authorize others to carry out the following:
  - 1.1 to reproduce the phonogram directly or indirectly;
  - 1.2 to distribute original phonogram or copies to the public by sale, lease or other technical means accessible to the public.

2. to enjoy the benefits from the distribution of its phonogram to the public.

**Article 91. Rights of Broadcasting Organizations**

Broadcasting organization has the following rights:

1. to carry out itself or authorize others to carry out the following:
  - 1.1 to broadcast or rebroadcast its broadcasts;
  - 1.2 to distribute its broadcasts to the public;
  - 1.3 to record its broadcasts;
  - 1.4 to reproduce a recordings of its broadcasts.
2. to enjoy the benefits from the recording, distribution and communication to the public of its broadcasts.

**Article 92. Rights of Investors in the Performance**

Investors in the performance have similar rights as the performers as determined in Article 89 of this law.

**Part 6**

**Term of Protection of Copyright and Related Rights**

**Article 93. Term of Copyright Protection**

The term of copyright protection falls under the following categories:

1. The term of copyright protection starts from the date that the work is created and continues during the life of the author plus 50 years starting from the date of death of the author. In the case that the work is created jointly, the term of the copyright protection continues during the life of the last surviving author plus 50 years starting from the date of death of the last surviving author;
2. In the case that the author is an organization, the term of copyright protection is 50 years starting from the date that the work is created.

In the case that the work is published, the term of copyright protection shall be 50 years from the date that the work is first published.

In the case that the author uses a pseudonym and the author is not known, the term of protection shall be as determined in Paragraph 1 of Item 2 of this Article.

In the case that the identity of the author who uses a pseudonym is known, the protection shall be as determined in Item 1 of this Article.

3. In the case that there is an international convention which the Lao PDR is a party or an international agreement to which the Lao PDR is a signatory, the term of protection shall be as determined in such convention or agreement.

**Article 94. Term of Related Rights Protection**

The term of related rights protection is as follows:

1. for performers the term of protection is 50 years from the date of the performance;
2. for producers of phonograms the term of protection is 50 years from the date of publication of the phonogram. In the case that the work is published, the term of protection of the phonogram is 50 years from the date of the first publication;
3. for broadcasting organizations the term of protection is 50 years from the date of broadcast of the program;
4. in the case that there is an international convention which the Lao PDR is a party or an international agreement to which the Lao PDR is a signatory, the term of protection shall be as determined in such convention or agreement.

**Part 7**

**Limitations and Obligations of Copyright and Related Rights**

**Article 95. Limitations on Copyright Subject to Remuneration**

For the use of published works not subject to approval, but subject to remuneration are as follows:

1. the use of published works by broadcasting organizations for carrying out broadcasting programs with sponsorship;
2. the person who uses the work as determined in Item 1 of this Article must indicate the name of the owner of the work and the origin of the work, not prejudice the rights of the owner of the work and shall not affect the normal exploitation of the owner of the work;
3. the use of the works determined in Item 1 shall not include cinematographic works.

**Article 96. Limitations on Copyright Not Subject to Remuneration**

The limitations on copyright which are not subject to remuneration are as follows:

1. The use of published works without obtaining authorization of the copyright owner and are not subject to remuneration are:
  - 1.1 reproducing one single copy for the purposes of scientific research and individual teaching;
  - 1.2 reasonable quoting works without alteration to the content for commentary or an illustration in one's own works;

- 1.3 quoting from a work without alteration to the content for use in articles, periodical journals, radio programs and television programs and documentary films;
- 1.4 quoting from a work for teaching in schools for non commercial purpose and without alteration to the content of such work;
- 1.5 copying a work for keeping in a library for the purposes of research;
- 1.6 performing dramatic works and other forms of performing arts at cultural gatherings or promotional campaigns without any form of charges;
- 1.7 recording and reporting live programs for the purposes of providing news and education to the public;
- 1.8 taking photographs or filming the works of fine art, photographic, and applied art that have already been display to the public;
- 1.9 translating a work into Braille or other characters for people with sight disabilities;
- 1.10 importing of copies of other people's works for personal use.
2. persons who use the works as determined in Item 1 of this Article must indicate the name of the owner of the work and the origin of the work, not prejudice the rights of the owner and not affect the normal exploitation of the owner of the work;
3. the use of a work determined in Item 1 of this Article shall not include architectural works, fine art works or computer programs.

**Article 97. Limitations on Related Rights Subject to Remuneration**

The limitations on related rights which are subject to remuneration are as follows:

1. individuals or organizations who use another person's related rights without, authorization but subject to remuneration as agreed with the owner of the work, the copyright owner, performers, producers of phonograms and broadcasting organizations, are limited to the following cases:
  - 1.1 using of published phonograms directly or indirectly for commercial purpose aiming to carry out broadcasting programs with sponsorship;
  - 1.2 using of published phonograms in the operation of business and for commerce.
- 2 individuals or organizations who use the rights as stipulated in Item 1 of this Article shall not prejudice the rights of the performer, producer of phonogram and broadcasting organization and shall not affect the normal exploitation of the performance, phonogram, and broadcasting program.

**Article 98. Limitations on Related Rights Not Subject to Remuneration**

The limitations on related rights which are not subject to remuneration are as follows:

1. the use of related rights not subject to authorization and not subject to remuneration are:
  - 1.1 copying a work for the purpose of scientific research;
  - 1.2 copying a work for the purpose of teaching;
  - 1.3 reasonable quoting works for the purpose of providing information only;

- 1.4 making temporary phonogram after obtaining authorization of the owner of the rights.
2. individuals or organizations who use the rights as stipulated in Item 1 of this Article shall not prejudice the rights of the performer, producer of phonogram and broadcasting organization and shall not affect the normal exploitation of the performance, phonogram, and broadcasting program.

**Article 99. Obligations of the Copyright and Related Rights Owner**

The obligations of the copyright and related rights owner shall be implemented pursuant to Article 58 of this law.

**Section VI  
Intellectual Property Prohibitions**

**Part 1  
Industrial Property Prohibitions**

**Article 100. Prohibitions on the Industrial Property Owner and the Authorized User**

1. The owner of the industrial property has no right to prohibit others from using or doing the following:
  - 1.1 using the invention, utility innovation, industrial design or layout-design of integrated circuit for personal use or education, research or experimental, etc...which have no commercial purposes;
  - 1.2 circulating, distributing, importing, seeking benefits from the exploitation of products obtained from the industrial property lawfully made available on the domestic and foreign markets;
  - 1.3 using an invention, utility innovation or industrial design on vehicle, including use of equipment and spare parts for repairing, maintenance of a foreign vehicle which temporarily or in an emergency enter the territory, airspace and waters of the Lao PDR;
  - 1.4 using of an invention or utility innovation by an individual authorized by the Government of the Lao PDR;
  - 1.5 using of an layout-design of integrated circuit where the user did not previously know that such layout-design of integrated circuit was protected;
  - 1.6 using of the same or similar trademark as the geographical indication where the trademark became protected before the date of filing the geographical indication application for registration;
  - 1.7 using in a truthful manner the name of a person, symbols of the type, quantity, quality, utility, assessment, origin and other characteristics of the goods and services.
2. the owner of the trade secret has no right to prohibit others from doing the following:
  - 2.1 disclosing or using the acquired trade secret without previously knowing that the trade secret was acquired by another person illegally;

- 2.2 disclosing confidential information to protect the public;
- 2.3 using confidential information relating to pharmaceutical products and agricultural chemicals having no commercial purposes;
- 2.4 disclosing or using similar trade secrets created by others;
- 2.5 disclosing or using trade secrets gained through research, product evaluations which are legally distributed.

**Article 101. Prohibitions on other Individuals or Organizations**

Other individuals or organizations who do not own the industrial property are prohibited from doing the following without the authorization of the industrial property owner:

1. to manufacture from a protected industrial property;
2. to exploit production methods from a protected industrial property;
3. to distribute, advertise, offer for sale, sell, stock for distribution, import, export products derived from a protected industrial property;
4. to transfer, authorize the use, lease protected industrial property.

**Part 2**

**Prohibitions on New Plant Varieties**

**Article 102. Prohibitions on the New Plant Variety Owners and the Authorized Users**

The owner of a new plant variety has no right to prohibit others from using the new plant variety for the following purposes:

1. personal non commercial use;
2. experimental and research;
3. breeding into a new variety.

person's authorized to use new plant varieties are under the same prohibitions as stated above.

**Article 103. Prohibitions on other Individuals or Organizations**

Other individuals or organizations who do not own the new plant variety are prohibited from doing any of the following without the prior authorization of the new plant variety owner:

1. producing or propagating the protected new plant variety for commercial purposes;
2. using propagation methods for commercial purposes;
3. offering for sale, selling and marketing the protected new plant variety;
4. importing or exporting the protected new plant variety;
5. stocking the new plant variety for the purposes mentioned in Items 1, 2, 3, 4 of this Article.

**Part 3**  
**Prohibitions on Copyright and Related Rights**

**Article 104. Prohibitions on Copyright Owners**

The copyright owner has no right to prohibit others from using his work as follows:

1. reproducing for the purposes of scientific research and teaching;
2. quoting a work without alteration to the content for commentary or an illustration in one's own work;
3. quoting from a work without alteration to the content for use in articles, periodical journals, radio programs and television programs and documentary films;
4. quoting from a work for teaching in schools for non commercial purpose and without alteration to the content of such work;
5. copying a work for keeping in a library for the purposes of research;
6. performing dramatic works and other forms of performing arts at cultural gatherings or promotional campaigns without any form of charges;
7. recording or reporting live programs for the purposes of providing news and education to the public;
8. taking photographs or filming the works of fine art, photographic and applied art that have already been display to the public;
9. translating a work into Braille or other characters for people with sight disabilities;
10. importing of copies for personal use.

Authorized users are under the same prohibitions as stated above.

Individuals or organizations who use the rights determined in this Article shall not prejudice the copyright owner.

**Article 105. Prohibitions on Related Rights Owners**

The related rights owner has no right to prohibit other persons from using their work as follows:

1. making copies for scientific research and teaching;
2. making references only for the provision of information;
3. making a temporary phonogram with the authorization of the owner of the rights.

Authorized users are under the same prohibitions as stated above.

Individuals or organizations who use the rights stipulated in this Article shall not prejudice the copyright owner.

**Article 106. Prohibitions on other Individuals or Organizations**

Individuals or organizations who are not the copyright and related rights owner are prohibited from doing any of the following without the authorization of the owner of the rights:

1. using artistic, literary and scientific works of others;
2. claiming that oneself is the author of the work;
3. publishing works without the authorization of the owner;
4. publishing works of a joint author without the authorization of the joint author;
5. modifying, adding, or mutilating any part of a work in any forms which will prejudice the dignity and reputation of the author;
6. copying a work of a author or owner of the rights;
7. making derivative works of a author or owner of the rights, except for forms of use stipulated in Article 104, Item 9 of this law;
8. exploiting from any work of the copyright owner;
9. renting a work;
10. copying, producing, advertising, performing or transmitting the work to the public over a broadcasting network or by using modern technical equipments;
11. publishing a work of a copyright owner;
12. intentionally canceling or invaliding the technical measures applied by the copyright owner to protect its copyrighted work;
13. intentionally erasing or amending electronic information used on copyrights management of the work;
14. producing, assembling, altering, distributing, importing, exporting, selling or leasing an item of equipment with the intent to invalid the protective technical measures applied by the copyright owner to protect its work, when knowing or should have known that such equipment is used to make the protection inoperable;
15. falsifying and selling a work by forging the name or signature of the author;
16. importing, exporting, disseminating copies of a work;
17. pretending the name of the performers, the producers of phonograms, broadcasting organizations;
18. publishing, producing or communicating performances, phonograms, broadcasts to the public;
19. modifying, adding or mutilating performances in any form which prejudice the dignity and reputation of the performers;
20. reproducing or extracting recorded performances, phonograms, broadcasts;
21. altering any right information management in electronic format;
22. intentionally canceling or invaliding technical measures applied by the related rights owner to protect its related rights;
23. distributing, importing for distribution, broadcasting, communicating recorded copies of sound-image of performances to the public, when knowing or should have known that the work has been altered without the authorization of the related rights owner;



24. producing, assembling, altering, distributing, importing, exporting, selling or leasing an item of equipment when knowing or should have known that such equipment is used illegal decoding of satellite signal carrying encrypted program;
25. recording or disseminating of a satellite signal carrying encrypted program for commercial purposes without the authorization of the lawful distributors.

**Article 107. Prohibitions on Officers who are Responsible for Intellectual Property Activities**

Officers who are responsible for intellectual property activities are prohibited from doing the following:

1. showing a lack of responsibility and neglecting one's duties;
2. carrying out duties unfairly or showing partiality towards an individual or organization;
3. reveal intellectual property information without authorization;
4. abusing one's position, duties, authority for personal, family or relative interests;
5. other illegal activities.

## **Section VII**

### **Violation of Intellectual Property and Unfair Competition**

**Article 108. Violation of Industrial Property Rights**

Violation of patents, petty patent, industrial design and layout-design of integrated circuit are as follows:

1. exploitation of inventions, utility innovations, industrial designs, layout-designs of integrated circuits which are protected and remain under the term of protection without the authorization of the owner of the rights;
2. exploitation of inventions, utility innovations, industrial designs, layout-designs of integrated circuits without remuneration the owner of the rights.

Violation of trademarks is as follows:

1. using signs which are the same as marks used with protected goods or services;
2. using signs which are the same as or similar to marks used with protected goods or services leading to consumer misunderstanding about those goods or services;
3. using signs on goods or services which are the same as or similar to well-known marks;
4. using signs through translation or written in other languages on goods or services preserving the original idiom of the well-known mark.

Violations of geographical indications are as follows:

1. unlawful using of geographical indications which is inappropriate with regulations governing geographical indications;
2. using of geographical indications on products which are similar to products whose geographical indications are protected with the intent of gaining from the reputation and popularity of such geographical indication;
3. using of signs which are the same as or similar to protected geographical indications for products which do not come from a location of that geographical indication which misleading the consumers.

**Article 109. Violation of New Plant Variety Rights**

Violations of new plant variety rights are as follows:

1. using of protected new plant varieties which are still under the term of protection without the authorization of the owner of the rights;
2. using of a new plant variety without remunerating the owner of the rights;
3. using of a plant variety denomination which is the same as or similar to the denomination of a new plant variety in the same group which is already protected.

**Article 110. Violation of Copyright or Related Rights**

Violations of copyright are as follows:

1. using of another person's artistic, literary or scientific work without the authorization of the owner of the rights;
2. claiming that oneself is the author of another person's work;
3. publishing works without the permission of the owner of the rights;
4. publishing a joint author's work without the permission of the joint authors;
5. modifying, adding or mutilating of any part of a work in any forms which will prejudice the dignity and reputation of the author;
6. copying a work without the authorization of the author or copyright owner;
7. making derivative works without the authorization of the author or copyright owner in the use of such derivative work;
8. exploiting from any work without the authorization of the copyright owner and without remunerating or providing other material benefits;
9. renting a work without providing remuneration or material benefits to the owner of the work or copyright owner;
10. copying, producing, advertising, performing or transmitting a work to the public over a broadcasting network or by using modern technical equipments without the authorization of the copyright owner;
11. publishing a work without the authorization of the copyright owner;
12. intentionally canceling or invaliding technical measures which the copyright owner has applied to protect its copyrighted work;

13. intentionally erasing or amending electronic information used on copyrights management of the work;
14. producing, assembling, altering, distributing, importing, exporting, selling or leasing an item of equipment with the intent to invalidate the protective technical measures applied by the copyright owner to protect its work, when knowing or should have known that such equipment is used to make the protection inoperable;
15. falsifying and selling works by forging the signature of the author;
16. importing, exporting, disseminating copies of a work without the authorization of the copyright owner;

Violation of related rights is as follows:

1. claiming to be the performers, producers of phonograms, broadcasting organizations;
2. publishing, producing or communicating of performances, phonograms, broadcasts to the public without the authorization of the performers, producers of phonograms, broadcasting organizations;
3. modifying, adding or mutilating performances in any form which prejudice the dignity and reputation of the performer;
4. reproducing, extracting of fixed performances, phonograms, broadcasts without the authorization of the performers, producers of phonograms, broadcasting organizations;
5. altering any right information management in electronic format without the authorization of the related rights owner;
6. intentionally canceling or invaliding technical measures applied by the related rights owner to protect the related rights;
7. distributing, importing for distribution, broadcasting, communicating fixed copies of sound-image of performances to the public, when knowing or should have known that the fixed performance has been altered without the authorization of the related rights owner;
8. producing, assembling, altering, distributing, importing, exporting, selling or leasing an item of equipment when knowing or should have known that such equipment is used illegal decoding of satellite signal carrying encrypted program ;
9. intentionally recording or disseminating of a satellite signal carrying encrypted program for commercial purposes without the authorization of the lawful distributors.

**Article 111. Unfair Competition**

All unfair industrial or commercial competition is illegal and deemed unfair competition.

Unfair competition is the commission of any of the following acts against another individual:

1. creating confusion relating to the products and services under trademarks, trade names or service names and industrial designs;
2. damaging the reputation and trust in trademarks, trade names or service names and industrial designs;
3. misleading the public relating to production procedures, and facts concerning quality, quantity, other characteristics, origin, conditions of reciprocation and prices of products or services;
4. degenerating production procedures, and facts concerning quality, quantity, services, other characteristics, conditions of reciprocation and prices of products or services;
5. revealing trade secrets without the authorization of the owner of the rights about the acquisition, reveal the use of trade secrets through spy of industrial or commercial trade secrets, reveal information about the breach of contracts, and reveal lack of trust or acquisition of confidential information through a third party.

## **Section VIII**

### **Dispute Resolution and Violation Remedies**

#### **Article 112. Forms of Dispute Resolution**

Intellectual property dispute resolution which involves the violation of the rights of the intellectual property owner shall be undertaken through administrative procedures or through the courts.

Dispute resolution through administrative procedures and through the courts shall be undertaken in accordance with Articles 115 and 117 of this law.

#### **Article 113. Forms of Violation Remedies**

Intellectual property violation remedies can be carried out in the following ways:

1. negotiation between the owner of the rights and the violator;
2. administrative remedy;
3. remedy through economic dispute resolution committee;
4. court proceedings;
5. international arbitration.

#### **Article 114. Negotiation**

The intellectual property owner may negotiate with the violator when it sees a violation of its rights.

#### **Article 115. Administrative Remedy**

The intellectual property owner may request the intellectual property administration authority to remedy the violation of its intellectual property.

#### **Article 116. Remedy through Economic Dispute Resolution Committee**

Where failure of the intellectual property administration authority to remedy administratively, the intellectual property owner may request an economic dispute resolution committee to mediate and reach a decision.

**Article 117. Court Proceedings**

When intellectual property disputes are unable be remedied administratively or through an economic dispute resolution committee, the intellectual property owner may initiate court proceedings.

**Article 118. International Arbitration**

Intellectual property disputes of an international nature shall be remedied under the relevant international conventions and regulations.

**Section IX  
Management and Inspection**

**Part 1  
Management**

**Article 119. Intellectual Property Administration Authority**

The government manages intellectual property in a centralized and unified principle throughout the country assigning the National Authority for Science and Technology as the central coordinator with the relevant sectors, such as the Industry and Commerce, Agriculture and Forestry, Information and Culture, Education, Public Health, Finance sectors and other sectors.

The other sectors and authorities have the rights and duties to manage intellectual property according to their role.

The intellectual property supervision authority includes:

1. the National Authority for Science and Technology;
2. the provincial, capital authority for science and technology.

If required town and municipal science and technology offices will be established.

**Article 120. Rights and Duties of the National Authority for Science and Technology**

In the management of intellectual property the National Authority for Science and Technology has the following rights and duties:

1. to study strategies, policy plans, laws and plans involving the development of intellectual property works for proposal to the government for consideration;
2. to issue regulations, decisions, instructions, recommendations and notices involving intellectual property activities;
3. to disseminate and organize a public awareness within society about intellectual property activities;

4. to guide, monitor and evaluate the implementation of intellectual property activities throughout the country in accordance with its role;
5. to register and provide intellectual property services;
6. to issue or cancel intellectual property registration certificates and issue licenses to any individual or entity which provides intellectual property services or cancel the license;
7. to resolve disputes and violations of intellectual property rights;
8. to train and enhance the level of private sector and state employees involved in intellectual property activities;
9. to coordinate with the relevant sector authorities and local administrations at the different levels to establish intellectual property activities management;
10. to participate and cooperate at the international level in intellectual property;
11. to report on the implementation of intellectual property activities regularly to the government;
12. to perform other rights and duties as stipulated in the laws.

**Article 121. Rights and Duties of the Provincial, Capital Authority for Science and Technology**

In the management of intellectual property, the provincial, capital authority for science and technology have the following rights and duties:

1. to expand policy plans, laws and regulations and plans involving the development of intellectual property activities of the National Authority for Science and Technology and implement them as their own;
2. to disseminate policy plans, laws and regulations and plans involving the development of intellectual property activities of the National Authority for Science and Technology, its own regulations and plans and organize a public awareness within society about intellectual property activities;
3. to resolve petitions, disputes and violations of intellectual property rights;
4. to coordinate with the relevant provincial, city authorities in the implementation of intellectual property activities;
5. to report on the implementation of intellectual property activities to the National Authority for Science and Technology and provincial, city administrative authorities regularly;
6. to perform other rights and duties as stipulated in the laws and regulations.

**Part 2  
Inspection**

**Article 122. Intellectual Property Inspection Authority**

Intellectual property inspection authorities include:

1. The internal inspection authority which is the same authority as the intellectual property administration authority stipulated in Article 119 of this law.

2. The external inspection authorities, comprising:
  - the State Inspection Authority;
  - the State Audit Authority.

**Article 123. Rights and Duties of Inspection Authorities**

The internal and external inspection authorities have the rights and duties to inspect the implementation of intellectual property activities within the scope of their responsibilities.

**Article 124. Inspection of Intellectual Property at Border Checkpoints**

In order to intercept intellectual property violations, customs officers and other officers assigned to border checkpoints have the rights and duties in accordance with laws and regulations to inspect goods imported and exported, seize and impound goods which violate intellectual property.

**Article 125. Forms of Intellectual Property Inspections**

Inspection of intellectual property is carried out in the following three forms:

1. routine inspections;
2. irregular inspections by advance notice;
3. emergency inspections

Routine inspections are regular planned inspections.

Irregular inspections by advance notice are not planned inspections and are carried out where considered necessary, hence the advance notices.

Emergency inspections, is an urgent inspection whereby the inspected party is not notified.

**Article 126. Inspections by other Authorities**

Other authorities have the rights and duties to carry out intellectual property inspections according to their role which are determined in separate regulations.

## **Section X**

### **Awards and Sanctions**

**Article 127. Award Policies**

Individuals or organizations who have remarkable accomplishment in implementing of the Law on Intellectual Property, such as management and inspection of intellectual property shall be awarded merits or other forms according to rule.

**Article 128. Policies for Inventors and Creators**

Individuals or organizations who have remarkable accomplishment in invention and creation will be awarded merits and other forms according to rule.

**Article 129. Measures against Violators**

Individuals or organizations who violate the Law on Intellectual Property will be subject to education, disciplinary action, fines, civil compensation, or criminal punishment on a case by case basis.

**Article 130. Education Measures**

Individuals or organizations who violate the Law on Intellectual Property for the first time which is an unintentional violation and resulted in damages of less than 500,000 Kip will be warned and educated.

**Article 131. Disciplinary Measures**

Officials and officers who violate the Law on Intellectual Property and minor prohibitions which are not criminal offences and result in damages of less than 500,000 Kip, but who failed to report the violation or avoided the violation will be subject to disciplinary action as follows:

1. warned under civil service regulations and have the violation recorded;
2. promotion, salary raise and merits shall be suspended;
3. removed or transferred to a lesser position and duties;
4. removed from the civil service without any benefits.

**Article 132. Fines**

Individuals or organizations who violate the Law on Intellectual Property either intentionally or commit second unintentional violation and which is a non criminal offense shall be fined at twice the value of the damages.

**Article 133. Civil Procedures**

Individuals or organizations who violate the Law on Intellectual Property which result in damages against third parties shall compensate for such damages.

**Article 134. Criminal Procedures**

Individuals or organization who violate intellectual property rights, counterfeit, cheat, practice unfair competition which results in damages against third parties will be imprisoned between three months up to five years and fined between 500,000 – 5,000,000 Kip.

In the event of other offences which are criminal in nature the violator will be punished under Criminal Law.

**Article 135. Additional Punishment**

Other than the basic punishments provided for in Articles 130, 131, 132, 133 and 134 of this law, the violator may be subject to additional punishments, such as: suspension, withdrawal of business license, seizure of goods and equipment related to the offence.

**Section XI**



## **Final Provisions**

### **Article 136. Implementation**

The government of the Lao People's Democratic Republic shall implement this law.

### **Article 137. Effectiveness**

This law shall be effective 90 days after the President of the Lao People's Democratic Republic issues the promulgating decree.

Regulations and provisions which contradict this law are hereby repealed.

President of the National Assembly  
[signed and sealed]

Thongsing THAMAVONG