

Decision on Integrated Circuit Layout-Designs

SECTION I	3
General Provisions	3
Article 1. Objective.	3
Article 2. Competent Authority.	3
Article 3. Definitions.	4
Article 4. Protection Available; International Agreements	6
Article 5. Integrated Circuit Layout-Designs Eligible for Protection	6
Article 6. Persons Eligible for Protection.	7
Article 7. Language.	7
SECTION II	8
Application Procedures	8
Article 8. Initial Procedures; Filing Date.	8
Article 9. General Requirements Relating to Applications.	9
Article 10. Examination for Formal Requirements.	10
Article 11. Registration of Integrated Circuit Layout-Design; Publication.	10
Article 12. Invalidity and Cancellation.	10
SECTION III	10
Application Requirements	10
Article 13. Minimum Requirements for Filing Date; Provisional Acceptance of Application.	10
Article 14. Application Requirements.	11
SECTION IV	13
Formalities Examination	13
Article 15. Examination for Formalities.	13
Article 16. Application to Refer to One Layout-Design.	14
Article 17. Division.	14
Article 18. Re-Filing; New Material; Amendment and Re-Filing to Claim Correct Form of Protection.	14
Article 19. Amendment During Examination.	15
Article 20. New Technical Information.	15
Article 21. Right to Require Additional Information.	15
Article 22. Refusal Based on False or Misleading Statements.	15
Article 23. Persons Entitled to File; Effect of Filing.	16
Article 24. Abandonment of Application.	16
Article 25. Publication.	17
SECTION V	17
Rights and Obligations	17
Article 26. General Rights.	17
Article 27. Enjoyment of Benefits from Exploitation.	17
Article 28. Scope of Rights of Exploitation.	17
SECTION VI	18
Term, Invalidity, and Post-Grant Procedures	18
Article 29. Term of Protection.	18

Article 30. Invalidity and Cancellation Requirements.	18
Article 31. Procedures for Objection or Cancellation.	20
Article 32. <i>Inter Partes</i> Procedures for Cancellation.	21
SECTION VII	22
<i>Administrative and Judicial Review</i>	22
Article 33. Preventing and Correcting Mistakes.	22
Article 34. Administrative Review: How Initiated.	22
Article 35. Request to Stay.	23
Article 36. Reconsideration.	23
Article 37. Board of Appeals.	24
Article 38. Appeal Procedures.	24
Article 39. Further Appeals.	25
Article 40. Incorrectly Named Designers; Capacity of Applicant.	25
Article 41. Files or Papers that Cannot Be Located.	25
SECTION VIII	26
<i>Transfer of Rights and Dispute Resolution</i>	26
Article 42. Transfer of rights; Recordation Required.	26
Article 43. Licenses.	26
Article 44. Resolution of Disputes.	27
SECTION IX.	27
<i>Representation</i>	27
Article 45. Persons Authorized to Appear before the Department.	27
Article 46. Appointment of Representative.	28
Article 47. Power of Attorney.	28
Article 48. Requirements for Giving Effect to Power of Attorney.	29
Article 49. Power of Attorney for Multiple Matters.	29
Article 50. Power of Attorney: When Presented; Effect of Failure to File.	29
Article 51. Termination of Representation.	30
Article 52. Persons Authorized to Act as Representatives Before the Department.	30
Article 53. Registration Required; Practitioner List Published.	31
Article 54. Implementation through Instructions and Notices.	31
Article 55. Continued Requirements for Practitioners and Patent Practitioners.	31
SECTION XI	32
<i>Administrative Provisions</i>	32
Article 56. Secrecy and Access to Files.	32
Article 57. Communication with the Department.	32
Article 58. Identification of Documents.	33
Article 59. Form of Correspondence.	33
Article 60. Documents to be Signed; Effect of Signature.	34
Article 61. Times for Taking Action; Expiration on Saturday, Sunday or National Holiday.	35
Section XII	35
<i>Registration Fees and Service Fees</i>	35
Article 62.	35
Article 63.	36
SECTION XIII	36
<i>Final Provisions</i>	36
Article 64. Implementation	36
Article 65. Effective Date	36



LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

Ministry of Science and Technology

No.
Vientiane,

/MOST
, 2003

Regulation

on

Integrated Circuit Layout-Designs

- Based on Law No. 01/NA dated December 20, 2011 on Intellectual Property;
- Based on requirements for interpretation of this Law; and
- Based on the proposal of the Intellectual Property Department;

The Minister of Science and Technology issues the following Decision:

SECTION I

General Provisions

Article 1. Objective.

This Decision implements the Law on Intellectual Property and uniformly provides procedures relating to the filing of applications to register and enforce integrated circuit layout-designs throughout the Lao People's Democratic Republic.

Article 2. Competent Authority.

1. The Department of Intellectual Property in the Ministry of Science and Technology shall be the competent authority for determining whether an application for protection of an integrated circuit layout-design meets the legal requirements set forth in the Intellectual Property Law and this Decision. The Department shall have such other duties as may be provided by Law or Decision.
2. The Department shall maintain the record book on integrated circuit layout-designs. Records defined in this Decision shall be recorded in those record books.
3. The Department shall publish in the official industrial property gazette

information as defined in this Decision. A official industrial property gazette may be established separately for each type of intellectual property if necessary.

4. In carrying out its responsibilities, the Department shall have the authority to take such actions as may be required to prevent or correct mistakes on matters within its responsibility, and to ensure the orderly operations of the Department, and to grant extensions of time in appropriate cases, provided all such actions are consistent with the Intellectual Property Law and this Decision and with any international agreement or convention to which the Lao PDR is a party.

5. The Department shall appoint a Board of Appeals and such other administrative boards or committees as may be needed to implement the Intellectual Property Law and this Decision.

6. All situations not specifically provided for in this Decision will be decided in accordance with the merits of each situation by or under the authority of the Director-General, subject to such other requirements as may be imposed and such decision will be communicated to the interested parties in writing. In an extraordinary situation, when justice requires, any requirement of this Decision which is not a requirement of the Intellectual Property Law or other applicable Law may be suspended or waived by the Director-General or the Director-General's designee, on such person's own initiative, or on request of the interested party, subject to such other requirements as may be imposed.

Article 3. Definitions.

In addition to definitions defined in Article 3 of the Law on Intellectual Property No. 01/NA dated December 20, 2011, for purposes of the Intellectual Property Law and this Decision, the following terms shall have the meanings given below, unless the context otherwise requires:

Applicant means a person, group of persons, or legal entity that has applied to obtain an integrated circuit layout-design, or such person's successor in interest, or for purposes of an objection or cancellation, the person, group of persons, or legal entity that has filed the objection or applied for the cancellation, or such person's successor in interest.

Application means a request to register an integrated circuit layout-design, or for purposes of a cancellation, a request to cancel all or part of an integrated circuit layout-design registration.

Assign means to transfer all rights in an item of intellectual property to another person. The person who makes the transfer is the **assignor** and the person who receives the rights is the **assignee**.

Assignment means the legal document by which an assignment is made.

Cancellation is a proceeding under which any interested person may request that an integrated circuit layout-design registration be canceled in whole or in part.

Commercial purpose, as used in the Intellectual Property Law, means that an act is carried out to receive money or any other thing of value or that an act is carried out in connection with an undertaking to increase the value or profitability of the undertaking.

Court means,

- 1) for purposes of filing a civil action to enforce intellectual property rights, the Commercial Chamber of a regional People's Court, provincial People's Court, or capital People's Court, where the right holder of the intellectual property rights may file in accordance with the Civil Procedure Law.
- 2) for purposes of appealing any decision related to enforcement of intellectual property rights, the relevant Appeals Court or People's Supreme Court where an appeal has been filed in accordance with the Civil Procedure Law.
- 3) for purposes of filing an administrative appeal from a holding of the Industrial Property Department or one of its units, the Commercial Chamber of the capital People's Court.

Department means the Department of Intellectual Property of the Ministry of Science and Technology.

Designer means the natural person or group of persons who, individually or jointly, created the design that is the subject of an application for protection as an integrated circuit layout-design.

Director General refers to the Director General of the Department of Intellectual Property.

Divide or **division**, in the context of an action with regard to an application, means a procedure by which the applicant converts a single application into two or more applications, each of which relates to a portion of the original application. A **divisional application** is an application that results from such procedure.

Independent designer means a natural person who has created an integrated circuit layout-design, where such item was not made under conditions that vest rights in another person, and such designer has not assigned rights to such integrated circuit layout-design, and is under no obligation to make such an assignment.

Individual means a natural person.

Legal entity or organization means an entity of a type that is legally recognized to transact business in the place of its origin and includes a company, state or governmental entity, association or collective organization, or other legal person.

License means an agreement granting permission to carry out one of the exclusive rights of an intellectual property owner and includes an agreement not to bring legal action against the person receiving the license for such acts provided they are consistent with the terms of the agreement.

Licensee means the person or persons to whom the intellectual property owner grants a license.

Licensor means a person who grants a license.

Minister refers to the Minister of Science and Technology.

Paris Convention means the Paris Convention for the Protection of Industrial Property.

Power of attorney means a written document by which a principal authorizes one or more persons to act on his or her behalf.

Practitioner means an attorney or agent who regularly engages in practice before the Department.

Principal means a person who executes a power of attorney designating one or more persons to act on his or her behalf in connection with an application or other proceedings before the Department.

Prosecution refers to all acts intended to lead to the allowance of an application.

Representation Address means the correspondence address for all practitioners authorized in a single power of attorney.

Representative means an attorney or agent who is authorized to represent an applicant or intellectual property owner or other person with regard to one or more proceedings before the Department.

Restrict or **restriction** in the context of an application refers to an action limiting the subject matter of the application.

Revoke means, in connection with a Power of Attorney, the cancellation by the principal of the authority previously given to a practitioner or other person to act on behalf of the principal.

The terms **holder** or **owner, or rights holder or rights owner**, as appropriate, are used interchangeably to refer to the person who has been granted an integrated circuit layout-design, or who is legally entitled to rights in an integrated circuit layout-design without regard to whether an integrated circuit layout-design has been granted thereon, or to such person's assignee or successor in interest or other person who has received such rights by law.

Specification refers to the portion of an integrated circuit layout-design or application therefor that describes the invention or utility application in words, together with other information useful in understanding the integrated circuit layout-design.

Article 4. Protection Available; International Agreements.

1. Protection for any integrated circuit layout-design shall be available in accordance with the Intellectual Property Law and procedures set forth in this Decision.
2. In case of any conflict between the provisions of this Decision and those of any treaty or international agreement to which the Lao PDR is a party or has mutually signed, the provisions of the international treaties or agreements shall be implemented this Decision

Article 5. Integrated Circuit Layout-Designs Eligible for Protection

1. Every integrated circuit layout-design is eligible for protection by an integrated circuit layout-design registration if it is consistent with Article 17 of the Law on Intellectual Property and is not ineligible for protection under Article 24 of the Law on Intellectual Property.
2. For purposes of Article 17 of the Intellectual Property Law,

- 1) The terms integrated circuit layout-design, and semiconductor have the meanings given in Article 3 of the Intellectual Property Law.
- 2) An integrated circuit layout-design is original if it is the independent creation of a designer who did not copy it from another source.
- 3) An integrated circuit layout-design is commonplace and unregistrable where the layout-design consists solely of designs that are staple, commonplace, or familiar in the semiconductor industry, or consists of variations of such designs, or consists of such designs combined in a way that, considered as a whole, lacks originality.

3. An integrated circuit is an embodiment of an electrical circuit, usually in highly miniaturized form. Typically, the circuit is formed by depositing or etching the circuit into layers of a metallic, insulating, or semiconductor substrate, using a mask or template that allows the circuit to be deposited or etched onto the substrate in a way that forms the integrated circuit. While there may be many ways to lay out a particular electrical circuit and deposit it onto a substrate, considerable time and creative effort may be required to develop a layout-design that will enable the electrical circuit to be embodied in a miniature chip. The subject matter that is protected by the registration of an integrated circuit layout-design is the design that allows the circuit to be embodied in a particular arrangement and not the underlying circuit, which may or may not be the original concept of the designer of the layout design and which may or may not be new. Note that novelty is not a requirement for the registration of an integrated circuit layout-design.

Article 6. Persons Eligible for Protection.

1. The persons described in Article 26 of the Intellectual Property Law are eligible to obtain protection for their integrated circuit layout-designs, and to file an application for an integrated circuit layout-design registration, to enforce their rights administratively or through the courts, and to undertake any other actions pursuant to the Law on Intellectual Property or this Decision, subject, however, to paragraph 2 of this article.

2. An applicant without business premises or residence in the Lao PDR shall appoint a representative in the Lao PDR in accordance with the requirements of this Decision.

Article 7. Language.

1. An application for an integrated circuit layout-design registration and any accompanying material may be filed in either the Lao language or in the English language. Such filing will be sufficient to establish a filing date or date of submission for the application or other materials, provided however, that for any application or document filed or submitted in English, the applicant must, within 90 days of such filing or submission, supply a translation into the Lao language. Such translation must be certified to be a correct translation as provided below.

2. Application forms for integrated circuit layout-designs are available in the Lao and English languages. An application shall be deemed to comply with the language requirements of Article 37 of the Intellectual Property Law where the application is made on the relevant form, provided that documents that accompany the application form must satisfy the language requirements of this article. The Department may apply the same provision to any other standard form.

3. Any other correspondence with the Department and accompanying material shall be in the Lao language or the English language, provided that where correspondence is submitted in the English language, a translation into the Lao language shall be submitted within 90 days of the submission, or not less than 30 days from notification by the Department to supply a Lao translation, whichever period is longer. For correspondence and documents submitted under this paragraph, the Department shall have the authority to grant extensions of time in appropriate circumstances and on such conditions as may be determined by the Department.

4. Each translation shall be certified by the translator, or by another person who has personally reviewed the translation, to be a true and correct translation of the translated document.

5. Where a translation is unclear or otherwise inadequate for the purposes for which the document is submitted, or where the Department reasonably believes that the translation does not correctly represent the original, the Department may require a second translation, at applicant's expense. Where such translation relates to scientific or technical terms, the Department may require that the second translation be conducted by a person with technical knowledge in the relevant technical field. Where translation would lead to confusion or be unhelpful, the Department may waive the translation with regard to specific portions of a document, such as names of persons, organizations, trade names or trademarks, technical terms, or street names that would not be readily recognizable in translation.

SECTION II

Application Procedures

Article 8. Initial Procedures; Filing Date.

1. Any person who is eligible for protection as described in Article 6 of this Decision, and who is entitled to file an application as described in Article 23 of this Decision, and who wishes to obtain an integrated circuit layout-design registration may file an application with the Department on the prescribed forms following the procedures described below.

2. An application is filed by presenting to the Department a copy of the application, together with any required documents. The Department will conduct an initial review of the papers submitted to determine the nature of the application being submitted and whether the papers contain all of the documents required for the relevant application.

3. If the Department finds that the papers contain all of the required documents, or that it meets the minimum requirements for obtaining a filing date, as described in this Decision, the Department will provisionally accept the application for filing, issue a filing number, and provide the applicant or the applicant's representative with a filing receipt that shows the name and address of the applicant and applicant's representative if applicable; the nature of the application, that is, whether it is an application for an integrated circuit layout-design registration, and the title of the subject of the application; date of submission; and the filing number.

4. Where the procedures of paragraph 3 of this article have been completed, the applicant or applicant's representative shall present the receipt to the Finance Division under the Cabinet of the Ministry of Science and Technology and pay the applicable fee in accordance with the Presidential Decree on Fees. The Finance Division shall accept the fee and issue a receipt

showing payment of the fee, the date and amount paid, and other information sufficient to associate the fee payment with the application and its filing number. It is the responsibility of the applicant to ensure that the proper fees are paid, as no refunds will be made for an applicant where filing procedures are not completed or where the applicant mistakenly pays a fee in an incorrect amount.

5. If the Department finds that some of the minimum elements required for a filing date are missing, the Department will immediately notify the applicant or applicant's representative in writing to supply the missing items. The procedures of paragraph 2 of this article will be suspended until applicant submits the missing items. When such items are submitted, the Department will issue the receipt provided in paragraph 2 as of the date that it receives all of the items that constitute the minimum requirements for a filing date.

If applicant fails to submit the missing items within 90 days, the application will be considered to be abandoned, without prejudice to applicant's right to re-file.

6. Once fees have been paid in accordance with paragraph 3 of this article, the applicant or applicant's representative shall present the fee receipt from the Finance Division to the Department, which shall accord a filing date to the application.

7. An application that is accorded a filing date and serial number must also meet other requirements prescribed by Intellectual Property Law and this Decision. It is the applicant's responsibility to ensure that an application complies with all requirements for protection.

Article 9. General Requirements Relating to Applications.

1. To receive an integrated circuit layout-design registration, the applicant, the application, and its subject matter must satisfy all requirements of the Intellectual Property Law and of this Decision.

2. The Department will not issue advisory opinions regarding the likelihood that a particular integrated circuit layout-design or application therefor will satisfy the requirements of the Intellectual Property Law and this Decision, and the Department will not provide legal advice to applicants. However, the Department will perform a search of previously registered integrated circuit layout-designs upon request and subject to the payment of the relevant fee. An applicant who wishes to obtain information relevant to the likelihood of being able to obtain an integrated circuit layout-design registration is advised to obtain a search prior to filing and to consult an attorney or other representative regarding issues relevant to registrability.

3. As provided in Article 28 of the Intellectual Property Law, where more than one application is filed for the same subject matter, the integrated circuit layout-design shall be awarded on the basis of the application with the earliest effective filing date, provided such application otherwise satisfies the requirements for the protection requested.

4. Where more than one application is filed for the same or a similar integrated circuit layout-design, the Department will continue procedures for both applications until it is determined whether the application with the earlier effective filing date will be registered, at which time the Department will issue a refusal to the application with the later effective filing date on the basis of the registration of the application with the earlier effective filing date. If

procedures for the application with the later effective filing date are completed before that time and it appears that such application is otherwise entitled to registration, the Department shall suspend procedures on such application until procedures are completed for the application with the earlier effective filing date.

Article 10. Examination for Formal Requirements.

1. An application that has been received and accorded a filing date as described in Article 8 of this Decision shall be examined to determine whether it is complete and complies with all formal requirements.
2. If the application is not complete or does not satisfy the formal requirements as described herein, the Department will notify the applicant of any requirements not satisfied and the period of time in which the applicant must meet the requirements.
3. If formal requirements are supplied to the Department within the time provided, the application will be accepted as provided in Article 11 of this Decision. No substantive examination will be provided for integrated circuit layout-designs. If formal requirements are not satisfied within 60 days, the applicant will be advised that the application is considered to be abandoned.

Article 11. Registration of Integrated Circuit Layout-Design; Publication.

Where the application complies with the requirements for protection as provided in the Intellectual Property Law and this Decision, the Department shall notify the applicant that the application is in condition for allowance and notify the applicant to pay the prescribed fees. When the applicant provides a receipt from the Finance Division showing payment of such fees, the Department will issue the applicant a receipt and register the integrated circuit layout-design. The Department will issue an integrated circuit layout-design certificate, record the grant, and publish information relating to the integrated circuit layout-design in the official industrial property gazette.

Article 12. Invalidity and Cancellation.

Any interested party that believes an integrated circuit layout-design is invalid may file a cancellation proceeding against an integrated circuit layout-design as provided in Articles 44, 45, and 136 of the Intellectual Property Law and consistent with Section VI of this Decision.

SECTION III
Application Requirements

Article 13. Minimum Requirements for Filing Date; Provisional Acceptance of Application.

1. In determining whether an application to register an integrated circuit layout-design shall be provisionally accepted for filing in accordance with Article 8 of this Decision, the Department may accept as filed and issue a filing receipt allowing applicant to pay fees for any application that

- 1) Appears to be a request for an integrated circuit layout-design registration, regardless of whether it is presented on the required form;
- 2) Appears to contain a disclosure of the integrated circuit layout-design; and
- 3) Contains the name and address of the applicant;

provided that to obtain a registration, all the requirements of Article 34 of the Intellectual Property Law and the requirements of this Decision must be satisfied within the times set for response by the Department.

2. For purposes of this article, the requirement of a disclosure of the integrated circuit layout-design and a description of its electronic function may be provisionally satisfied by a written description of the circuit, a schematic drawing or other image of the circuit, or a combination thereof, without inquiry as to whether such application actually discloses the integrated circuit layout-design or its electronic function or otherwise meets the requirements of Article 14 of this Decision.

3. Applicants should note that the minimum requirements to obtain a filing date are not sufficient to satisfy all application requirements, and in particular, disclosure requirements and requirements relating to the electronic function of the layout-design, and that the application as filed will determine the scope of any amendments that may be permitted for an application to retain its filing date. In addition, while the submission of a power of attorney is not a requirement for obtaining a filing date, applicants are encouraged to submit a power of attorney, if applicable, at the time of filing since failure to provide the power of attorney, if required, may result in loss of rights to the registration.

Article 14. Application Requirements.

1. An application to register an integrated circuit layout-design shall include the items enumerated in Article 34 of the Intellectual Property Law and such other information and materials as may be required by the Department. The application shall be presented on the form provided. It shall include the items enumerated in Article 34 of the Intellectual Property Law and other information and materials as set forth below, in substantially the order shown below:

- 1) Application on the form provided, together with a receipt for payment of fees.
- 2) If not provided on the application form, the
 - a) Name and address of the applicant or applicants;
 - b) Nationality and residence, if any, of an applicant who is a natural person, or of all such persons, if more than one, and for a legal entity, the country of incorporation and place where such entity has a real and effective industrial presence, if any, unless such information is already disclosed on the application form;
 - c) Telephone and facsimile numbers and email or other information for electronic communication with the applicant and the applicant's representative, to the extent such items are available.
 - d) The title of the layout-design, as provided in paragraph 2 of this article.
 - e) The name of the natural person or persons who created the layout-design, even if such design is owned by another person or organization.
 - f) The nationality and residence, if any, of an applicant who is a natural person, or of all such persons, if more than one, and for a legal entity, the

country of incorporation and place where such entity has a real and effective industrial presence, if any.

- g) Telephone and facsimile numbers and information for electronic communication with the applicant and the applicant's representative, to the extent such items are available.
- 3) Power of attorney and the name and address of applicant's representative in the Lao PDR, if the applicant is represented.
- 4) Date on which the layout-design was created as described in paragraph 3 of this article.
- 5) Description and date of the first commercial use of the layout-design or integrated circuit in which it is embodied. For purposes of this requirement, the first commercial use of the layout-design or integrated circuit shall mean the earlier of the first sale, rental, lease, or other transaction with regard to an integrated circuit made from the layout-design or of an object in which it is incorporated, or the first use of the layout-design or an object in which it is incorporated in the course of a business operation or transaction. If no commercial use has been made, the application shall so state. Commercial use is not a requirement for obtaining protection.
- 6) Materials sufficient to constitute a disclosure, as described in paragraph 4 of this article.
- 7) If the integrated circuit has been commercially exploited, a description of the electronic function that the integrated circuit perform or is intended to perform;
- 8) An electronic copy of the documents submitted for filing, in a standard format that is accessible by the Department, provided, however, that the Department may waive this requirement for independent designers. The Department may, from time to time, issue a Notice regarding acceptable electronic format for such documents.
- 9) A list of items annexed to the application.

2. For purposes of item 2(d) of paragraph 1, the application should assign a title to the integrated circuit layout-design. The title should include terms that briefly indicate the function that the integrated circuit created using the layout-design is intended to perform.

3. For purposes of item 4 of paragraph 1 of this article, a layout-design is created when the layout-design is fixed in a tangible medium. Fixation may be accomplished, for example, by creating a series of drawings showing the layout-design, or by creating a model that incorporates the layout-design. Although an operational working model is not a requirement for registration, it is recognized that a design for a complex circuit may not be fully created until it can be tested to determine that the layout-design conceived by the designers and fixed in a tangible medium actually works as intended by the designers.

4. The integrated circuit layout-design must be fully disclosed. If the integrated circuit layout-design has been commercially exploited, the application must include four chips embodying the layout-design as first commercially exploited and

- 1) one full set of visually perceptible reproductions of each layer of the integrated circuit or
- 2) plastic color overlays, composite plots, or photographs of each layer of the integrated circuit.

If the integrated circuit layout-design has not been commercially exploited, the application must include one full set of either plastic color overlays or composite plots of each layer of the integrated circuit product.

Visually perceptible materials provided under this paragraph should be reproduced at a magnification sufficient to reveal the basic circuitry design of the integrated circuit and should be at least 20 times the magnification of the actual size. Drawings, photographs, or overlays must be readily storable in A4 format. Titles should be placed on all identifying materials so that applications and deposit materials can be matched.

Drawings, overlays, and photographs must represent the layout-design in its most complete form as fixed in an integrated circuit. The most complete form means the stage of the manufacturing process that is closest to completion.

Drawings, overlays, and photographs must comply with Article 59 of this Decision. Where drawings or photographs are supplied that do not meet the requirements of Article 59 of this Decision, but such drawings or photographs are legible, the Department may accept the drawings or photographs for purposes of examination and notify the applicant that it will be necessary to supply drawings or photographs that comply with the provisions of Article 59 of this Decision prior to acceptance of the application for registration.

5. The Department may require the applicant to submit additional information and in particular may require the applicant to provide additional specimens or samples of the integrated circuits embodying the layout-design, or photographs of such goods. The Department shall return to the applicant, at the applicant's expense, a bulky or oversized specimen or sample that cannot be readily stored in the Department's files or, at applicant's option, shall dispose of such items.

6. Where an applicant proposes to file several integrated circuit layout-design applications at the same time, the application for each integrated circuit layout-design must be filed separately. However, the applicant may rely on the provisions of Article 57, paragraph 4, of this Decision with regard to all attachments to the application other than the disclosure, drawings, and claims.

SECTION IV Formalities Examination

Article 15. Examination for Formalities.

1. An application for which a fee has been paid and that has been assigned an application number shall be examined to determine whether it contains all of the elements described in Article 14 of this Decision, and whether such elements appear to satisfy formal requirements, for example, whether the application is presented on the proper form, whether a drawing is legible and of appropriate size, and whether elements of the application are presented in the order required. The formalities examination shall not address the merits of each element or whether such element satisfies substantive requirements to allow registration.

2. If the application is not complete or does not satisfy the formal requirements as described herein, the Department will notify the applicant of any requirements not satisfied and the period of time in which the applicant must meet the requirements.

Article 16. Application to Refer to One Layout-Design.

As provided in Article 34 of the Intellectual Property Law, each application for integrated circuit layout-design registration shall apply to a single integrated circuit layout-design. Where the Department determines that the application includes more than one layout-design, the Department will notify the applicant and invite the applicant to divide the application as provided in Article 17 of this Decision.

Article 17. Division.

1. As provided in Article 42 of the Intellectual Property Law, an applicant may, up to the time when the application is in order for grant, amend the application without fee, provided that the amendment shall not introduce new technical information into the application.
2. An applicant may up to the time when the application is in order for grant, divide the application into two or more divisional applications provided that each divisional application shall not go beyond the disclosure in the initial application. Each divisional application shall be entitled to the filing date of the initial application.
3. An application may be divided into one or more divisional applications by filing one or more subsequent applications that make reference to the application being divided. The second or subsequent application shall be identical to the application on which it is based and shall be accompanied by a statement that the newly filed application is a division of such earlier application, which shall be identified by its filing number, title, name of inventor, and filing date. Both the newly-filed application (and applications) and the earlier application shall be amended to restrict their claims to contain only a single integrated circuit layout-design. Such amendment may be filed with the divisional application or within 60 days thereafter.
4. Where an application is divided, the applicant shall pay an additional filing fee for each divisional application that is in addition to the application that has been divided.

Article 18. Re-Filing; New Material; Amendment and Re-Filing to Claim Correct Form of Protection.

1. As provided in Article 42 of the Intellectual Property Law, at any time an application is pending before the Department but before the Department has granted an integrated circuit layout-design registration thereon, and before the abandonment, final rejection, or other termination of proceedings on the application, the applicant may re-file the application together with any amendments by paying the application fee.
2. An application that is re-filed as provided in paragraph 1 of this article shall be entitled to the benefit of the filing date of the earlier-filed application provided that it contains or is amended to contain a specific reference to the earlier-filed application and further provided that any amendments do not introduce new information that goes beyond the scope of the original application as filed.
3. Where an application is re-filed as provided in paragraph 1 of this article but is accompanied by amendments that introduce material that goes beyond the scope of the original application as filed, such re-filed application shall be entitled to the benefit of the filing date of

the earlier-filed application with regard to any disclosures in such earlier-filed application, provided that it contains or is amended to contain a specific reference to the earlier-filed application, and with regard to such information that goes beyond the scope of the original application as filed, the re-filed application shall be entitled to the filing date on which it was actually re-filed in the Lao PDR.

4. The procedure of this article may be used to convert an integrated circuit layout-design application to an application for a patent or petty patent, or to convert a patent or petty patent application to an application to register an integrated circuit layout-design. The converted application is eligible to receive the filing date of the earlier-filed application.

Article 19. Amendment During Examination.

As provided in Article 42 of the Intellectual Property Law, at any time an application is pending with the Department but before the Department has granted an integrated circuit layout-design thereon, and before the abandonment, final rejection, or other termination of proceedings on the application, the applicant may amend the application without fee, provided that any such amendment shall not introduce new technical information to which the application applies, as provided in Article 20 of this Decision.

Article 20. New Technical Information.

1. For purposes of this Decision, "new technical information" refers to the introduction in any form of information that is not disclosed in the application as originally filed. The introduction of such information may include, for example, amendments to the drawings or description where the material introduced makes additions, limitations, or changes to the content of the application.

2. Information shall not be considered new for purposes of this article if it is disclosed in any manner in the application as originally filed, including in the description or drawing.

3. Information shall not be considered new for purposes of this article if the information introduced is an inherent feature of the technical information disclosed in the application. An *inherent* feature is one that is unstated but is a natural characteristic of, or inseparable from, an element cited in an application. It is not necessary to recite an inherent technical feature, but it may aid in understanding to do so.

4. Where an application has been re-filed to introduce new technical information, the provisions of this article shall apply with regard to the filing date of the re-filed application.

Article 21. Right to Require Additional Information.

Where serious doubts exist as to the correctness of any information or documents included in or annexed to an application, the Department may notify the applicant or agent to furnish, within a period not exceeding three months from the date of notification, evidence proving the correctness of such data or documentation.

Article 22. Refusal Based on False or Misleading Statements.

At any time during the pendency of an application, the Department may refuse an application that the Department has good reason to believe contains false or misleading information or with regard to which the Department has good reason to believe the applicant or applicant's representative is making false or misleading statements to the Department. In such case, the Department shall first notify the applicant of the Department's intended action and the grounds therefor and permit the applicant to withdraw or correct such information or statements, subject, however, to any limitations on new information set forth elsewhere in this Decision.

Article 23. Persons Entitled to File; Effect of Filing.

1. Subject to the Intellectual Property Law and Article 6 of this Decision, an application may be filed by the designer or other person who owns the integrated circuit layout-design in accordance with the Intellectual Property Law. If filed by a person who is not the designer, the application must name the natural person or persons who made the layout-design
2. By filing an application, or by having such application filed on one's behalf, the applicant consents to be bound by this Decision and certifies that applicant is legally entitled to file the application, and that all information provided in the application is true to the best of applicant's knowledge and belief, after reasonable inquiry to determine the facts.

Article 24. Abandonment of Application.

Pursuant to Article 43 of the Intellectual Property Law, the Department shall determine that an application is abandoned as of the times given below:

- 1) Where the application is incomplete,
 - a. If the application deposited with the Department is incomplete so that it does not meet minimum requirements for obtaining a filing date, after the expiration of 90 days;
 - b. If the application has been assigned a filing date and the applicant has been notified that the application is incomplete and given a time in which to make corrections or supply missing items, at the expiration of the period for such action.
- 2) Where it appears that the applicant is not entitled to apply for registration, after notice to the applicant and the expiration of any period for response that will show that the applicant is in fact entitled to apply.
- 3) Where the applicant fails to pay the required fees for the application or to maintain the protection in force,
 - a. If the application deposited with the Department has not been assigned a filing date because the filing fee was not paid, after the expiration of 90 days;
 - b. If the fee relates to an extension of time or other fee that is due in connection with the prosecution of the application before the Department, and remains unpaid sixty days after the Department notifies the applicant to pay such fee, at the expiration of such period.
 - c. If the application is in condition for allowance and the filing fee is not paid, sixty days after notification to pay such fee, at the end of such period.
 - d. Where a fee is required to maintain an application in effect and remains unpaid after the period set forth in Article 35 of this Decision, six months after the anniversary of the filing date at the end of the period for which the

application is in effect.

Article 25. Publication.

1. Except as provided in paragraph 2 of this article, where the relevant requirements for protection are satisfied, the Department will record the relevant information in the government official industrial property gazette and publish such information.
2. Where an application contains lengthy material, the Department may publish a portion of such material, and interested persons may have access to the entire material after publication, subject to payment of the relevant fee, as provided Article 56 of this Decision.
3. An applicant may, subject to paying the applicable fees, request earlier publication of the application.
4. Where an application has been assigned, an applicant may, subject to paying the applicable fees and providing the relevant information, request that the publication include the assignee's name and address.
5. Where a publication contains a mistake, an applicant may request republication with corrected information, without additional fee, provided that such request must be filed within two months from the date of the earlier publication.

**SECTION V
Rights and Obligations**

Article 26. General Rights.

The owner of an integrated circuit layout-design shall have such rights as are provided under Article 47 of the Intellectual Property Law as set forth in this Decision.

Article 27. Enjoyment of Benefits from Exploitation.

For purposes of paragraph 2 of Article 47 of the Intellectual Property Law, the enjoyment of benefits from exploitation shall be as specifically defined for integrated circuit layout-designs as described in Article 58 of the Intellectual Property Law. Such rights shall be subject to any limitations set forth in the Intellectual Property Law or this Decision.

Article 28. Scope of Rights of Exploitation.

In applying Article 58 of the Intellectual Property Law and Article 44 of this Decision, the scope of rights of the owner of an integrated circuit layout-design shall be defined with reference to the description and drawings of the layout-design or integrated circuit in which it is embodied. The rights specified in Article 58 of the Intellectual Property Law extend to any of the acts specified therein as they apply to all or part of the integrated circuit, except where such parts are not original to the registrant, and to items that incorporate all or part of the integrated circuit, except where such parts that are incorporated are not original to the registrant. The addition of other circuit elements shall not serve to distinguish an item from the requirements of Article 58 of the Intellectual Property Law.

SECTION VI
Term, Invalidity, and Post-Grant Procedures

Article 29. Term of Protection.

1. The term of protection for an integrated circuit layout-design shall be twelve years from the filing date as provided in Article 52 of the Intellectual Property Law but as provided in Article 65 of the Intellectual Property Law, such term shall not exceed fifteen years from the date of creation of the integrated circuit layout-design. The term shall from the filing date of the application for registration. For purposes of this article, the date of creation shall as set forth in paragraph 3 of Article 14 of this Decision.

2. Enjoyment of the full term of protection shall require the payment of annual fees to maintain the application or registration in effect. Such fees shall be payable to the Department and shall accrue annually, beginning one year from the filing date of the application to register the integrated circuit layout-design registration. Such fees shall be due even if the application is still pending before the Department. Such fees shall be paid in advance of the expiration of the period stated, and the fees required to maintain the application or integrated circuit layout-design in force for the remaining term may be paid in advance at any time after filing. The period for paying such fees expires on the anniversary of the filing date at the end of the latest period for which fees have been paid.

3. An integrated circuit layout-design, or an application therefor, shall lapse if fees are not paid during the period set forth in paragraph 2 of this article. It is applicant's responsibility to pay such fees when due, and the Department will not issue notices of fees due until the expiration of the period set in paragraph 2, at which point the applicant or owner shall be notified that such application or integrated circuit layout-design has lapsed for non-payment of fees.

4. In measuring the term, the day of filing shall be counted and the final anniversary of such date shall be excluded.

5. Where an integrated circuit layout-design registration, or an application therefor, has lapsed as provided in paragraph 3 of this article, an applicant may nevertheless pay such fees, during the next succeeding six months, subject however, to the payment of a surcharge for late payment, as provided in the Fee Decree. Where fees are paid, together with the surcharge, during the period set by this paragraph, the registration, or application therefor, shall be restored and shall deemed to have remained in effect as if such fees had been timely paid in accordance with paragraph 2 of this article.

Article 30. Invalidity and Cancellation Requirements.

1. Article 45 of the Intellectual Property Law fixes the times at which rights terminate, to the extent that such events apply, but the grounds for termination of rights to industrial property shall be solely as defined in the relevant Regulations. For purposes of paragraph 4 of Article 45 of the Intellectual Property Law, commercial exploitation shall include importation and sale.

2. Pursuant to Articles 44 of the Intellectual Property Law, at any time within five years from the date of publication of a registered integrated circuit layout-design, any interested person who satisfies the requirements of Article 6 of this Decision may object to the registration of the mark or request its cancellation. For purposes of Article 44 of the Intellectual Property Law, a

request to modify the registration shall be referred to as an objection, and a request to cancel the registration in its entirety shall be referred to as a cancellation.

3. An objection or cancellation request may be brought by filing an application to modify or cancel the registration and paying the fee therefor. The application shall indicate whether the application requests modification or cancellation and the relief sought. The application must be signed by the party or parties bringing the action or by their representative and shall include the following elements:

- 1) Name and address of the party or parties filing the objection or cancellation request and, if available, the telephone number and email address of each. If the application is filed by more than one party jointly and the parties are not represented, the application should designate one person and address for correspondence.
- 2) If the parties are represented, the name and address of the representative and, if available, the telephone number and email address of the representative.
- 3) A power of attorney if applicable.
- 4) The integrated circuit layout-design that is the subject of the action.
- 5) A brief statement of the grounds on which the action is filed, specifically pointing out the basis for the objection or cancellation of the registration and the relief sought, as set forth in paragraphs 3 and 4 of this article.
- 6) A statement of the party's interest in the objection or cancellation.
- 7) A summary of the evidence supporting the ground identified.
- 8) Reasonable evidence supporting the grounds alleged in item 5 of this paragraph.

4. An objection must include an allegation that registration of the integrated circuit layout-design interferes with, or reasonably can be expected to interfere with, the exercise of the rights of the objecting party.

5. An application for cancellation of an integrated circuit layout-design registration can be brought on one of the following grounds:

- a) That the integrated circuit layout-design failed to meet one or more requirements for protection under Articles 17, 24, or 26 of the Intellectual Property Law as further implemented by this Decision.
- b) That the registration is invalid because the application was granted on the basis of false or misleading information supplied by the applicant or the applicant's representative.

6. Formal requirements shall not form the basis for a complaint to invalidate and cancel an integrated circuit layout-design. In particular, it shall not be a ground for invalidation of an integrated circuit layout-design that the application did not comply with the requirement that the application relate to a single layout-design.

7. Procedures for an action to object or cancel a registration shall be as provided in Articles 31 and 32 of this Decision.

8. Where the application claims that the integrated circuit layout-design was unregistrable because it was commonplace or not original, the application for objection or cancellation shall be evaluated on the basis of information that existed at the time the layout-design was created. Evaluation of originality and of whether a layout-design is commonplace shall be in accordance with Article 5 of this Decision.

9. Pursuant to Articles 45 and 136 of the Intellectual Property Law, any interested person who believes that an integrated circuit layout-design was granted in error may file a complaint to the Court in accordance with the Civil Procedure Law demanding the cancellation of the integrated circuit layout-design registration on grounds that the subject matter thereof failed to comply with one or more requirements for protection pursuant to Article 17 of the Intellectual Property Law or that it was ineligible for protection pursuant to Article 24 of the Intellectual Property Law. A cancellation action brought pursuant to Articles 45 and 136 of the Intellectual Property Law may be brought at any time during the term of the registration of the integrated circuit layout-design or thereafter in any action to enforce rights in such integrated circuit layout-design. Upon the final decision of the competent court finding invalidity in accordance with this article, an integrated circuit layout-design found to be invalid shall be considered void and shall have no legal effect from the date of issue of the integrated circuit layout-design. Upon communication of such decision to the Department, the Department shall cancel the registration and publish such cancellation in the official industrial property gazette.

10. Where a cancellation proceeding is before the Court, the Department may, with consent of the Court, appoint one or more persons to serve as experts in cases relating to complaints brought under this article in relation to Articles 45 and 136 of the Intellectual Property Law.

11. Any party who puts into issue the validity of an integrated circuit layout-design registration, whether in a special cancellation action or as part of a defense to a charge of infringement, shall notify the Department of such claim and, if the registration is cancelled in whole or in part, shall deliver to the Department a copy of the relevant Court decision.

12. No action may be brought to terminate rights in an integrated circuit layout-design other than as provided in this article.

Article 31. Procedures for Objection or Cancellation.

1. Except as otherwise provided, applications to the Department to object to or cancel a registration shall be subject to the procedures provided in Articles 8, 9, 10, and 22 of this Decision, *mutatis mutandis*.

2. Promptly upon receiving notice that the application has been accepted for filing, the applicant shall serve a copy of the application and any accompanying information on the registrant. Such notice may be served at the correspondence address on file with the Department. If the applicant is unable to serve a copy on the applicant at such address, service shall be attempted at one or more of the following addresses:

- 1) The correspondence address of applicant's representative in the Lao PDR.
- 2) If the registrant is a governmental entity, at an official address associated with such governmental entity.
- 3) At any other address at which the registrant may reasonably be expected to be reached, if such address is known to the applicant.

3. The applicant shall thereafter file with the Department a statement that the application was served on the registrant, as applicable, together with evidence supporting such statement. If service has been attempted but is not successful, that applicant shall file a declaration that it has attempted to serve a copy of the application and its accompanying material on the registrant,

detailing the means it has employed to effect service, but that after diligent efforts, the applicant has been unable to accomplish such service. Such declaration shall be filed together with supporting evidence.

4. Where the applicant files a declaration that it has unsuccessfully attempted service as provided in paragraph 3 of this article, the Department shall examine the evidence to determine whether it appears that a reasonable effort has been made to serve the registrant. If it finds such efforts to be insufficient, it shall notify the applicant to correct the deficiency within 60 days. If it finds such efforts to have been sufficient, the Department shall notify the registrant at the last correspondence address provided by the registrant that an application has been filed and the nature thereof and require the registrant to provide a response within 60 days. If the Department receives no response within the stated period, it shall publish notice to the registrant and shall proceed as though the applicant had received actual notice.

5. Upon receiving verification that the registrant has been served with a copy of the application and accompanying material, the Department shall examine the application for formalities. For a cancellation action, the application shall be examined to determine that it meets the requirements of Article 33 of this Decision.

6. An application that satisfies relevant formal requirements as described in paragraph 5 of this article shall be subject to a substantive examination by the Department to determine whether the application establishes a *prima facie* basis on which to grant the application. For purposes of this Decision, a *prima facie* basis is established where the application and evidence contained in the application, if not rebutted, would be sufficient to establish all elements required to satisfy paragraphs 3, 4, or 5 of Article 32 of this Decision, as appropriate.

7. If the Department finds that an application establishes a *prima facie* basis for granting the application, it shall notify the applicant and the registrant that the application has established a *prima facie* basis for further review and has been accepted for further consideration in accordance with Article 50 of this Decision. An application that, after substantive examination, fails to establish a *prima facie* basis shall be refused, and both parties shall be so notified.

8. The Department will not issue advisory opinions regarding the likelihood that a particular application will be canceled or other action taken and will not provide legal advice to applicants regarding the grounds or types of evidence needed to support applications therefor.

Article 32. *Inter Partes* Procedures for Cancellation.

1. Where an application establishes a *prima facie* basis for granting the relief requested in the application, the Department shall refer the application to a Board established to hear *inter partes* matters.

2. Within 60 days of notification that the application has been found to establish a *prima facie* basis for granting the application, the registrant shall file a response to the application, specifically admitting or denying each element of the application or, if the registrant is without sufficient information on which to evaluate an element, so stating, and submitting such evidence as the registrant believes will rebut the elements of the application. The registrant may, in this filing, present any defenses to the allegations in the application or the requested relief or submit any new information or evidence it believes is relevant to the application.

3. The applicant shall have a single opportunity to rebut any statements or evidence presented by the registrant pursuant to paragraph 2 of this article. Thereafter, the registrant shall have a single opportunity to respond to the rebuttal, provided however, that no new issues of fact or law shall be raised by either party in the course of the rebuttal proceedings.
4. The registrant and applicant shall each file such statements with the Department. Each party shall serve or attempt to serve a copy of all documents on the other party and shall submit evidence of such service or attempted service to the Department.
5. Each submission shall be made within 60 days of service of the previous document, provided, however, that the Department may, upon request and for good cause shown, extend such time by an additional 30 days.
6. When the documents referred to above have been received by the Department, or the time for their submission has expired, the Board will examine the application, response, and rebuttal statements, together with evidence submitted by each party, and render a decision as to whether to grant the application and the relief sought. The Board shall make its determination by preponderance of the evidence and shall be based solely on the information contained in the file.
8. The parties may compromise and settle any such proceeding at any point during the pendency of the application, provided however that such compromise and settlement must be reduced to writing and provided to the Department for review and approval. A compromise and settlement will be approved unless it is found to be contrary to the Intellectual Property Law as it relates to integrated circuit layout-designs, for example, by granting a license that would result in a monopolistic practice.

SECTION VII

Administrative and Judicial Review

Article 33. Preventing and Correcting Mistakes.

The Department shall have the authority to provide for a review of any action taken by the Department and to take such administrative action as may be needed to prevent or correct a mistake. Such actions may be taken on the authority of the Director General or such person's designee or as a result of quality review that may be instituted by the Department.

Appeals and other actions provided in this Section are necessary and appropriate to the orderly administration of the Intellectual Property Law. Appeals, requests for reconsideration, and other actions provided in this Section shall be governed by the procedures set forth in this Decision. A request made under these procedures is part of the administrative procedure of the Department and is without prejudice to any rights that may arise under the Petitions Law.

Article 34. Administrative Review: How Initiated.

1. Any applicant or other person who is a party to a proceeding with the Department and who believes the Department has made an improper requirement or decision in such proceeding

may, within 90 days of notification of such requirement or decision, take one of the following actions:

- 1) File a written request for reconsideration of the decision or requirement, without payment of a fee, or
 - 2) File a written appeal to the Department and pay the relevant fee therefor.
2. Such request must identify the
- 1) Requirement or decision to be reviewed,
 - 2) Legal and factual basis on which the request is based, and
 - 3) Action requested by the applicant.
3. The request may also include any arguments or explanations that the applicant or other party believes supports the request for reconsideration or appeal.

Article 35. Request to Stay.

A request for administrative review initiated pursuant to Article 34 of this Decision may include a request to stay the implementation of the decision or requirement that is the subject of the request for reconsideration or of the appeal. Otherwise, such decision or requirement remains in effect until such time as it may be withdrawn by the Department. In *ex parte* matters, a stay shall be freely granted in the interests of justice, taking into account the interests of third parties. In *inter partes* matters, the Department shall additionally consider the interests of other parties to the matter and grant a stay where the interests of justice shall best be served.

Article 36. Reconsideration.

1. Where an applicant, registrant, or other party to an *ex parte* proceeding makes a reasonable showing that there is a reasonable basis on which to review the requirement or decision that is the subject of a request for reconsideration, the Department shall grant the request and reconsider the issue leading to the requirement or decision in view of the information and arguments or explanations offered by the applicant, registrant, or other party to the proceeding. Granting a request for reconsideration does not bind the Department to withdraw a requirement or render a different decision but rather to ensure that it gives the matter a new hearing. Since the Department's only interest in the outcome of its decisions is to ensure that they are correct, a request for reconsideration should not be viewed as an affront to the Department nor to any of its employees. A request for reconsideration is intended to create an informal mechanism allowing the Department to make corrections quickly.

2. The same principles shall apply in *inter partes* proceedings, provided, however, that in *inter partes* proceedings, the party requesting review must serve a copy of such request and any accompanying materials on the other party or parties to the proceedings. Such other party or parties shall be entitled to be heard on the request and to submit its own documents supporting or opposing such review, following the procedures provided in Article 32, *mutatis mutandis*. The Department shall weigh the interests of the parties in deciding whether to grant a request for reconsideration. A request to stay may also be filed as provided in Article 54 of this Decision.

3. An action brought under this article is a request for the Department to exercise its supervisory authority.
4. An applicant who is dissatisfied with the holding on the appeal to the Department may appeal to the court within such time as provided under the Civil Procedure Law.
5. No fee shall be charged in connection with a request for reconsideration.

Article 37. Board of Appeals.

A Board of Appeals shall be constituted to resolve administrative appeals relating to the grant, refusal, or any requirement made by the Department in connection with an application or issued integrated circuit layout-design. The Board of Appeals shall be independent of any Division within the Department. The Board may have permanent or temporary existence, provided that no person shall take part in deciding an administrative appeal of such person's own decision.

Article 38. Appeal Procedures.

1. An administrative appeal is initiated by filing a written appeal and paying the fee for such appeal.
2. The appeal must specifically identify the issue that is being appealed, for example, the Department's requirement to restrict application design to a single embodiment, the Department's requirement to provide additional information, or the refusal of the application. The appeal shall identify the date of the decision or requirement being appealed and must comply with the requirements of this Decision regarding correspondence with the Department.
3. The appeal must also point out the legal basis for the appeal, referring specifically to relevant portions of the Intellectual Property Law or this Decision, and may include a statement by the applicant pointing out how the relevant legal basis supports the applicant's appeal.
4. Where the appeal relies in whole or in part on specific facts, the appeal shall identify such facts by reference to the application or previous correspondence with the Department.
5. Department personnel who participated in the decision being appealed may provide a similar statement of the legal and factual basis for the decision for consideration by the Board of Appeals. The person bringing the appeal shall have a single opportunity to submit a response to such statement, subject to the provisions of paragraphs 2, 3, and 4 of this article.
6. The Board of Appeals shall consider the appeal based on the written record as described in this article and shall render a decision in writing, which shall set forth the Board's decision and the legal and factual reasons therefor. Such decision shall be provided to the person bringing the appeal.
7. At the conclusion of the appeal, an application will be returned to the Department for such further action as may be appropriate, consistent with the holding of the Board of Appeals, unless the person bringing the appeal files an appeal to the Court within the time for filing such appeal as provided under the Civil Procedure Law.

6. Where an appeal fails to provide the information required under paragraph 2, the Board of Appeals may summarily dismiss the appeal.

Article 39. Further Appeals.

1. An applicant or other party who is dissatisfied with the Department's decision or requirement following a request for reconsideration may appeal to the Department as set forth above. Filing a request for reconsideration is not a requirement for filing an appeal with the Department.

2. An applicant or other party who is dissatisfied with the holding on the appeal to the Department may appeal to the court within such time as provided under the Civil Procedure Law.

Article 40. Incorrectly Named Designers; Capacity of Applicant.

1. At any time during the pendency of an application or during the term of an integrated circuit layout-design, any interested person may petition the Department to correct the identification of designers mentioned in the application. The Department shall notify the owner of record of such petition and, if no objection is made by the applicant or owner of record, the Department shall enter such correction. If an objection is made, the Department shall refuse to enter the requested information, and the interested party shall have recourse to the Courts pursuant to the Petitions Law.

2. Where it appears that an application has been filed by an applicant who is not entitled to file such application, for example, where the applicant did not design the subject matter of the application and does not have rights to the integrated circuit layout-design, the Department may require the applicant to secure such authorization from the true designers or from such other person as may be entitled to exercise rights of the inventor or designer as provided in the Intellectual Property Law. The Department shall fix a time within which such requirement must be met and shall suspend examination until such requirement is met within the time fixed.

3. Any person who believes he or she is entitled to be named as a designer, or to file the application, may petition the Court pursuant to the Petitions Law for an order transferring ownership of the application or integrated circuit layout-design to such person, or to add such person to the application as appropriate.

Article 41. Files or Papers that Cannot Be Located.

In the event that the Department cannot, after a reasonable search, locate a file or other paper relating to an application or other proceeding, the Department shall attempt to reconstitute its records through other sources. In such case, the Department may request the applicant or owner to provide a copy of such person's record (if any) of the relevant paper or of correspondence in the relevant file, together with a statement that the copy is a complete and accurate copy of the applicant's or owner's record of all of the correspondence between the Department and the such person for the relevant paper or file, or that the applicant or owner is aware of but does not possess other records of such correspondence with the Department.

SECTION VIII
Transfer of Rights and Dispute Resolution

Article 42. Transfer of rights; Recordation Required.

1. Pursuant to Article 47 of the Intellectual Property Law, the owner of intellectual property may transfer ownership to all or part of the rights an integrated circuit layout-design; to an application for an integrated circuit layout-design registration; or to any registration resulting from such application.
2. Where there is a transfer of ownership of a legal entity, the ownership of rights to integrated circuit layout-designs shall be as set forth in the document providing for such transfer. In the absence of such provisions, transfer of ownership a legal entity is presumed to include a transfer of any designs owned by the entity being transferred, and of any integrated circuit layout-designs or of applications therefor.
3. Rights to such property may also be transferred by inheritance or by gift.
4. Any transfer of ownership shall be recorded with the Department, using the form provided.
6. The Department may require the person presenting a transfer for recordation to submit additional information or documents where needed for clarification or where the Department may reasonably doubt the veracity of any indication contained in any communication.
7. A transfer of ownership shall not be enforceable against a person who is not party to the transfer until so recorded unless such person has actual notice of the transfer.
8. Where a single transfer relates to multiple files or applications, a single transfer document may be filed using the procedures of paragraph 4 of Article 5 of this Decision.
9. If the transfer is submitted for recordation by a person other than the owner of record, the Department shall send a written notification of the proposed transfer recordation and of the owner's right to object, to the owner of record at the latest address of record.
10. If the transfer appears to meet requirements for recordation, the Department shall publish a notice referring to the transfer.

Article 43. Licenses.

1. A license agreement may be recorded using the procedures of Article 42 of this Decision, in which case it shall be subject to the same requirements. Where rights to intellectual property are jointly held by multiple persons, a license shall be mutually agreed by all rights owners.
2. The sale of an item that is the subject of an integrated circuit layout-design, or that incorporates subject matter that bears or embodies an integrated circuit layout-design, shall be assumed to grant a license to the purchaser and others acting on behalf of the purchaser to use the object bearing or embodying the integrated circuit layout-design for the object's intended use, and if the purchaser is a legal entity, in connection with such entity's ordinary business, where such sale is by the owner of the integrated circuit layout-design, or by a person acting with the authority and permission of such owner, unless the parties to the transaction agree

otherwise in writing.

3. The provisions of paragraph 2 of this article shall apply *mutatis mutandis* to the rental, lease, gift, or other transaction with regard to the item that bears or embodies the integrated circuit layout-design, provided however that where such transaction is limited in time or scope, such implied license shall likewise be limited to the same time and scope, and provided that where such transfer is a gift or, if a sale, is for less than the market value of the transaction, the purchaser shall have the burden of demonstrating that the owner agreed to such transaction.

4. Where there is a transfer of ownership of a legal entity that is a licensee of one or more integrated circuit layout-designs, it shall be presumed that the licenses are transferred with the ownership of the legal entity unless specifically provided otherwise either in the license agreement or in the document providing for the transfer of ownership of the legal entity. Transfer of ownership of a legal entity shall not affect the validity of any license arrangement for which such entity is the licensor, unless otherwise specifically provided in the license agreement.

Article 44. Resolution of Disputes.

For purposes of the resolution of disputes or enforcement of rights pursuant to Section VIII of the Intellectual Property Law, the integrated circuit layout-design owner shall have the right to enforce rights provided in Article 58 of the Intellectual Property Law. Any action with regard to the resolution of disputes or enforcement of rights shall be interpreted with reference to the disclosure of the integrated circuit layout-designs as set forth in Article 14 of this Decision. The rights of the owner of the integrated circuit layout-design registration shall apply with regard to the layout-design for reproducing the integrated circuit, to integrated circuits produced by such layout-design, and to items that incorporate such integrated circuits but shall not extend to the circuit that is the subject of the layout-design except where produced in violation of the rights of the owner as set forth in Article 32 of this Decision.

SECTION IX. Representation

Article 45. Persons Authorized to Appear before the Department.

1. Subject to the provisions of Article 6 of this Decision and paragraphs 2, 3, and 4 of this article, the following persons are authorized to appear before the Department:

- 1) An applicant, with regard to the applicant's own application;
- 2) Where more than one person jointly makes application, any one of such persons, subject to appointment by the other joint applicants;
- 3) An attorney who is authorized to practice law in the Lao PDR;
- 4) A Practitioner or Patent Practitioner as defined in this Section with regard to the subject matter for which such person is authorized to act; or
- 5) Where the applicant is an organization, the owner or an officer of such organization, or an attorney or agent employed by such organization;
- 6) An attorney or agent who is an employee of the applicant or assignee of the entire interest in the subject matter of the application.

2. Subject to the provisions of Article 6 of this Decision, any person may represent himself or herself or may appoint a representative to act with regard the to the filing and prosecuting of any application, or with regard to any action relating to an integrated circuit layout-design, or in any other proceeding before this Department.

3. Notwithstanding the provisions of paragraph 1 of this article, an assignee of an application, an applicant, owner or other interested person may act before the Department for purposes of

- (i) The filing of an application for the purposes of receiving a filing date and receiving a filing receipt;
- (ii) The mere payment of any fee and receiving a receipt for such payment.

4. Any fee required to maintain an application in effect may be paid by any person.

Article 46. Appointment of Representative.

1. A representative is appointed by a power of attorney. The power of attorney must be signed by the applicant or other principal. Where an application is filed by joint inventors or designers, the power of attorney must normally be signed by all of the joint inventors or designers unless one or more of such persons are dead or otherwise unavailable, or refuse to join in the application, in which case, such fact shall be stated in the correspondence to the Department.

2. Subject to Article 46 of this Decision and other requirements of this Section, a power of attorney may appoint more than one representative, provided that all such representatives have the same representation address.

Article 47. Power of Attorney.

1. A Power of Attorney authorizes a representative appointed in accordance with this Decision to act on behalf of the principal. Except where the signature of the applicant or other party to a proceeding is specifically required, an act, with respect to any procedure before the Department, by or in relation to a representative who complies with the requirements set forth herein, shall have the effect of an act by or in relation to the applicant, owner or other interested person who appointed that representative.

2. A Power of Attorney shall specify the nature and scope of the representation. A Power of Attorney may authorize the representative to represent the principal with regard to one or more matters before the Department, which shall be identified in the Power of Attorney, or it may relate to all matters before the Department including all existing and future integrated circuit layout-design applications or registrations of that person, subject to any exception indicated by the appointing person. Likewise, a Power of Attorney may be given for an indefinite term or limited as to its duration. In all events, the Power of Attorney may be revoked by the principal at any time, without prejudice to the right of the representative to compensation for services rendered and expenses incurred on behalf of the principal during such representation.

3. The Department will give effect to the terms of the Power of Attorney except where it would be contrary to law or public policy to do so, for example, where a Power of Attorney purports to limit the ability of the principal to revoke the Power of Attorney or to provide terms of

representation that are contrary to this Decision.

4. Where a Power of Attorney does not state the scope or duration of the representation, the Department will treat the Power of Attorney as applying solely to the single application or other proceeding in connection with which the Power of Attorney is originally submitted, and its duration will be treated as terminating when all matters related to such application or other proceeding are concluded and the time for further action thereon has expired.

5. In the absence of evidence to the contrary, a representative will be presumed to act in accordance with instructions of the principal or in accordance with such principal's wishes.

Article 48. Requirements for Giving Effect to Power of Attorney.

1. To be given effect by the Department, a Power of Attorney shall be in writing and signed by the principal. Such signature shall be notarized or legalized, at the option of the principal.

Where more than one person is principal, for example, in the case of joint inventors, the power of attorney shall be signed by all of them unless good reason is shown why one or more of such persons has not signed.

Where the principal is a legal entity, the power of attorney shall be signed by the owner of such entity or by an officer or other person with the legal authority to bind the organization.

2. Such document shall be identified as a Power of Attorney and shall

- 1) Give the representative power to act on behalf of the principal and
- 2) Name one or more representatives in accordance with Article 47.

3. Where the Power of Attorney is in a foreign language, it shall conform to the language requirements of the Intellectual Property Law and this Decision.

4. Where there is reasonable doubt as to the authenticity of a Power of Attorney or as to a representative's authority to act, the Department may require such authentication or confirmation as it deems appropriate in the circumstances, including, for example, correspondence from the principal.

Article 49. Power of Attorney for Multiple Matters.

Where a Power of Attorney relates to multiple applications, files, or proceedings, it shall be sufficient to supply one Power of Attorney that satisfies the requirements of this Section and to submit a copy of such Power of Attorney with other applications, files, or proceedings, provided that the copy identifies the application number for the file where the original power of attorney is filed.

Article 50. Power of Attorney: When Presented; Effect of Failure to File.

1. A power of attorney, duly signed, shall be presented with the first application or other action to which it pertains.

2. Where an application or other paper is presented by a representative but the power of

attorney, or where applicable, a copy thereof, is not submitted with such application or other paper, the Department shall provisionally accept such application or other paper and notify the Representative to provide the power of attorney within 60 days from such notification.

3. Failure to present the power of attorney at such initial action shall not invalidate such filing where representation is not mandatory. Where representation is mandatory, failure to present the power of attorney shall not invalidate such filing provided the applicant or other party provides a power of attorney within the time provided in the Intellectual Property Law and this Decision.

4. If the Power of Attorney is not provided within 60 days of the notification, the Department shall change the correspondence address to that of the applicant or other principal and notify such person directly that it has 60 days in which to appoint a representative and provide the Power of Attorney, and the consequences of failing to comply with such requirements, which may include suspending action on the application or other matter or, if representation is mandatory, abandonment of the application or other filing.

5. The Department may refuse to accept further correspondence from the Representative in connection with such application or other proceeding until the Power of Attorney is submitted.

6. Correspondence from an agent or attorney who presents a new power of attorney with a different representation address is presumed to revoke the previous power of attorney unless the Department is promptly informed otherwise. Where the new power of attorney has the same representation address, the Department will assume that the previous power of attorney remains in effect unless the Department is promptly informed otherwise.

Article 51. Termination of Representation.

1. Representation terminates when a power of attorney is revoked by the principal, when the matter that is the subject of the representation is concluded as provided in the power of attorney or as otherwise provided in this Decision, or when the representative withdraws from the representation and such withdrawal is accepted by the Department as provided herein, whichever is earlier.

2. Where the Department receives a power of attorney appointing a different agent, it shall notify the representative of record unless it appears on the face of the new power of attorney that such notification has already been effected.

3. A representative who withdraws must notify the Department and the principal of such withdrawal. The Department will notify the principal of such withdrawal unless it appears on the face of the communication that such person has already been notified. Such withdrawal shall be accepted by the Department unless it occurs in an application or other matter on which action is due and insufficient time remains for the principal to take such action or, if representation is mandatory, for the principal to obtain other representation and take such action.

Article 52. Persons Authorized to Act as Representatives Before the Department.

1. Any person who is of good moral character and possesses the knowledge of intellectual property and the education to carry out the duties of representative, and who has an address in

the Lao PDR, may be authorized to be a Practitioner and represent others before the Department, subject to other requirements of this article.

2. Any agent or attorney who, as of the effective date of this Decision, has practiced before the Department for at least one year shall be presumed to satisfy the qualifications of paragraph 1 of this article.

3. Any person who satisfies the qualifications of paragraph 1 of this article may be authorized to become a Patent Practitioner if such person has a technical education and demonstrates knowledge of patent law and practice sufficient to enable such person to prepare and prosecute an original patent application. The Department may provide by Notice the qualifications that will be accepted and may administer such examinations as may be required to determine whether such persons meet the relevant qualifications.

Article 53. Registration Required; Practitioner List Published.

1. Any person wishing to act as a representative before the Department shall register as a Practitioner or Patent Practitioner. By registering, such person agrees to carry out his or her duties faithfully and in accordance with the provisions of this Decision and with other Regulations issued by the Ministry of Science and Technology on requirements for carrying out the business of being a representative on intellectual property.

2. To register, such person shall indicate his or her name and address; representation address if different from such person's address; telephone number or numbers, facsimile and email address, or other contact information as applicable; languages; whether such person is qualified as a Patent Practitioner and if so, such person's general area of technical expertise; website if applicable; and areas of practice. Where such person's representations address or other contact information changes, such person shall promptly inform the Department of the current information.

3. The Department shall maintain a list of Practitioners and Patent Practitioners who are authorized to represent applicants or other persons in transacting business before the Department. The Practitioner List shall include such information as provided in paragraph 2 of this article. The Department shall publish such list annually and may provide a copy thereof to any person upon request but shall not recommend or aid in the selection of an attorney or agent.

4. The provisions of this article shall take effect not later than three months from the effective date of this Decision.

Article 54. Implementation through Instructions and Notices.

Consistent with Article 147 of the Intellectual Property Law, the Department shall issue instructions and notices and take such other actions as may be necessary to carry out the provisions of this Section.

Article 55. Continued Requirements for Practitioners and Patent Practitioners.

1. The Department may from time to time issue other requirements for Practitioners and Patent Practitioners, including attendance at continuing education provided by the Department.

2. Practitioners and Patent Practitioners who are registered as provided in this Section are under a continuing obligation to act in accordance with the Intellectual Property Law, this Decision, and any other applicable law or regulations. Any person found to act contrary to this paragraph may be advised to correct such acts and if not promptly corrected, or if repeated, may be subject to sanctions by the Department. Such sanctions may include suspension or removal from the list of registered Practitioners or Patent Practitioners.

SECTION XI

Administrative Provisions

Article 56. Secrecy and Access to Files.

1. Files and documents relating to applications that are pending before the Department and that have not yet been published shall be maintained in secrecy. No person other than the applicant or a named inventor or designer shall have access to such files or the information contained therein without written permission from the applicant. A power of attorney is considered to grant such permission.

2. Files and documents relating to applications that have been published, and to integrated circuit layout-designs shall be available for public inspection and copying during normal business hours, subject to payment of applicable fees. Where requests for inspection or copying involve a large number of documents or multiple files, the Department may make reasonable provisions, such as requiring an appointment or limiting the number of documents or files available on a single day, as needed to ensure its orderly conduct of business.

3. No files or documents therein shall be altered, destroyed, or removed from the premises of the Department. The Department may bar any person found to be violating this paragraph, or attempting to do so, from future access to documents and files of the Department.

Article 57. Communication with the Department.

1. All business with the Department relating to an integrated circuit layout-design, an application therefor, or any proceeding before the Department, should be transacted in writing. The action of the Department will be based exclusively on the written record in the Department, and no attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

2. All persons are required to conduct their business with the Department with decorum and courtesy. Papers presented in violation of this requirement may be refused entry.

3. Since each file must be complete in itself, a separate copy of every paper to be filed in connection with a file for an integrated circuit layout-design, or with an application therefor, or with any other proceeding, must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The Department may dispose of duplicate copies of correspondence in the file of an application, integrated circuit layout-design, or other proceeding.

4. Where the same document relates to more than one file, it shall be sufficient to provide a single original that complies with all applicable requirements for such document together with a copy of the original for each file and an indication on such copy of the file with which the original is associated.

5. The Department will correspond with only one person or entity. This person or entity may be the applicant or intellectual property owner or other party to a proceeding before the Department, or may be such person's authorized representative. Initial correspondence in any matter is required to include an address for correspondence, which address may be changed at any time. Where more than one address is presented, the Department will choose one of the addresses for correspondence. If the party is represented, the correspondence address will be presumed to be the correspondence address of the representative.

6. Where there is a change of correspondence address or the appointment of a new or substitute representative, the applicant or other party should promptly notify the Department of such change and should include a separate document of notification for each application or integrated circuit layout-design to which the information relates.

Article 58. Identification of Documents.

1. Each item of correspondence relating to an integrated circuit layout-design, or to an application therefor, or to any proceeding within the Department, should bear on the top page in a conspicuous location an indication of the nature of the correspondence, for example, patent application, request for extension of time, amendment, response to Department communication, appeal, or payment of fees.

2. If the correspondence relates to an application that has already been filed or to an issued integrated circuit layout-design, the correspondence should also bear the filing number of the application or number of the integrated circuit layout-design, as applicable; the name of the applicant or designer, as applicable; and the title of the integrated circuit layout-design, as appropriate. In addition, unless it is impractical, each page and each item enclosed with the correspondence should bear at least the filing number of the application or number of the integrated circuit layout-design registration to which it refers. For items such as drawings or pictures, such information may be recorded on the reverse side of the item in pencil or on a label.

3. Correspondence relating to an application should ordinarily not be filed prior to receipt of the application number from the Department.

Article 59. Form of Correspondence.

1. Correspondence with the Department relating to integrated circuit layout-designs or applications therefor, or to any proceeding within the Department, should be made on flat, non-shiny paper that is A4 in size and recorded in dark ink or its equivalent. Correspondence must be legible and subject to photocopying as needed. Bulky items should not be submitted except with the express permission of the Department.

2. Documents and drawings or photographs submitted to the Department should be clear and of suitable quality for publication. Where such items are not of suitable quality for publication, the Department may accept such items for purposes of examination but may require the

submission of publication-quality documents, drawings, or photographs prior to final approval of the application.

3. Where needed to illustrate the subject matter of an application, the applicant should provide high-quality drawings in black and white. Photographs or color images will be accepted for examination purposes but the applicant must submit corrected drawings prior to publication. Where photographs or color images are required for an understanding of the subject matter, for example, photographs of electrophoresis gels or cell cultures, the application should so state, and the use of such photographs or color images is subject to the payment of a surcharge on the publication fee. Where photographs are used, the applicant must provide copies that are of sufficient quality so that all details in the photographs are reproducible in the publication and in the printed patent.

4. If items submitted are not legible or are not of sufficient clarity to enable the Department to conduct an examination, the Department shall so notify the applicant and provide an opportunity for the applicant to submit corrected documents. Where such new documents relate to the subject matter of the application, their acceptance will be subject to requirements related to changes in the content of an application.

Article 60. Documents to be Signed; Effect of Signature.

1. Every application, amendment, request for extension of time, submission of documents, or other paper submitted to the Department in connection with an integrated circuit layout-design, or application therefor, or with any proceeding within the Department, must be signed by the applicant or intellectual property holder or other person submitting the document, or by such person's representative. Unless specifically provided, the signature does not need to be verified or certified. The Department may refuse to enter an unsigned paper unless the omission is promptly corrected after being called to the attention of the person submitting the document or on whose behalf the document is being submitted, or the representative of such persons.

2. By signing a document, by submitting a signed document, or by later advocating it, the person signing such paper, and the person presenting such paper, certify that

- 1) All statements made therein of such person's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Department, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or knowingly and willfully makes any false, fictitious, or fraudulent statement or representation, or knowingly and willfully makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be subject to the penalties for making a false statement, and that violations of the provisions of this article may jeopardize the probative value of the paper; and

- 2) To the best of such person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances,

- (i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of any proceeding before the Department;

- (ii) Legal contentions therein are warranted by existing law or by a non-frivolous

argument for the extension or modification of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

3. Violations of any of paragraphs (2)(i) through (iv) of this article are, after notice and reasonable opportunity to respond, subject to such sanctions or actions as deemed appropriate by the Director, which may include, but are not limited to, any combination of

- 1) Striking the offending paper;
- 2) Referring a practitioner's conduct to the Director disciplinary action;
- 3) Precluding a practitioner or other person from submitting a paper, or presenting or contesting an issue;
- 4) Affecting the weight given to the offending paper; or
- 5) Terminating the proceedings in the Department.

4. Any practitioner violating the provisions of this article may be subject to disciplinary action.

5. Where the Department has reasonable doubt as to the authenticity of a signature, for example where there are variations in the appearance of a signature or where the signature and typed or printed name do not clearly identify the person signing, the Department may require the submission of a document ratifying or confirming the document in question or evidence of the authenticity of the signature.

Article 61. Times for Taking Action; Expiration on Saturday, Sunday or National Holiday.

1. Wherever the Law, this Decision, or communication by the Department specifies a time for taking action or paying a fee, such period shall be calculated as follows:

- 1) If the period is stated in days, calendar days are intended, and the period shall be calculated by excluding the first day and including the final day. For example, 30 days from March 15 is April 14.
- 2) If the period is stated in months or years, the period shall expire on the same date of the relevant month or year. For example, one month from March 15 is April 15.

2. If the last day of the period is an official holiday, or a day when the Department is not open for business, the period shall be extended until the first following working day.

3. The Director General may provide for an extension of time based on a delay or loss of mail service caused by war, revolution, civil disorder, strike, natural calamity or other like reasons.

Section XII Registration Fees and Service Fees

Article 62.

Article 63.

**SECTION XIII
Final Provisions**

Article 64. Implementation

Article 65. Effective Date

This Decision shall enter into force on the date of its signature.

Minister of Science and Technology