

Regulation**Decision**

on

Copyright and Related Rights

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LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

Ministry of Science and Technology

No.
Vientiane,

/MOST
, 2012

Regulation Decision

on

Copyright and Related Rights

-Based on Law No. ~~XX~~01/NA dated December 20, 2011 on Intellectual Property;

-Based on requirements for interpretation of this Law ~~and to unanimously set up the rules relating to the filing applications for copyright and related rights notifications throughout the country and for regulating collective management organizations; and~~

-Based on the proposal of the Intellectual Property Department;

The Minister of Science and Technology ~~regulates issues~~ the following Decision:

SECTION I General Provisions

Article 1. ~~Subject~~ Objective.

~~This Regulation~~ This Decision implements the Law on Intellectual Property and provides procedures relating to copyright and related rights ~~and unanimously uniformly sets up the rules relating to the filing applications for copyright and related rights notifications throughout the country and for regulating collective management organizations in throughout~~ the Lao People's Democratic Republic.

Article 2. Competent Authority.

1. The ~~Copyright Division of the~~ Department of Intellectual Property in the Ministry of Science and Technology shall be the competent authority for determining whether an application to record a notice of a copyright or related rights claim meets the legal requirements set forth in the Intellectual Property Law and ~~this Regulation~~ this Decision and to regulate collective management organizations. The ~~Copyright Division~~ Department shall have such other duties as may be provided by Law or ~~Regulation~~ Decision.

2. The Department shall maintain the record book on notifications of rights to copyright and related rights. Records defined in ~~these Regulations~~this Decision shall be recorded in those record books.

~~3. The Department shall publish in the government gazette information as defined in these Regulations~~this Decision. ~~A Government gazette may be established separately for each type of intellectual property if necessary.~~

34. 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 ~~these Regulations~~this Decision and with any international agreement or convention to which the Lao PDR is a party.

45. The Department shall appoint ~~an a Board of Appeals Committee~~ and such other administrative ~~boards committees~~ as may be needed to implement the Intellectual Property Law and ~~these Regulations~~this Decision.

6. All situations not specifically provided for in ~~the regulations~~this Decision of this part 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 ~~the regulations~~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. ~~XX01~~/NA dated December 20, 2011, for purposes of the Intellectual Property Law and ~~these Regulations~~this Decision, the following terms shall have the meanings given below, unless the context otherwise requires:

Abuse means, in the context of a collective management organization, an act that will deprive a beneficiary of compensation the collective management organization has contracted to collect and distribute. **Gross abuse** means an abuse that is made with deceptive intent.

Applicant means a person, group of persons, or legal entity that has applied to ~~obtain an integrated circuit layout design~~record a notification of copyright or related rights, or such person's successor in interest, or in the context of collective management organizations, a person, group of persons, or legal entity that has applied to establish a collective management organization.

Application means a request to record a notification of copyright or related rights, or in the context of collective management organizations, a request to establish a collective management organization.

Author means the natural person or group of persons who, individually or jointly, created an

original work. Where a work is made through the original creative contributions of two or more persons [so as to create a work of joint authorship as defined below](#), such persons shall be **joint authors**. Unless the context otherwise requires, the term author includes all joint authors of a work.

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.

Beneficiary means, in the context of a collective management organization, a person whose rights and interests are represented by the collective management organization.

Berne Convention means the Berne Convention for the Protection of Literary and Artistic Works.

Blanket authorization means advance authorization that is applicable to all persons, or to all persons who meet certain conditions, and without regard to the specific instance to which the authorization is applicable.

Block license is a license agreement that extends to all works, performances, phonograms, or broadcasts in a particular category.

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 intellectual property right holder may file in accordance with the Civil Procedure Law.
- 2) ~~Court means,~~ 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) ~~Court means,~~ for purposes of filing an administrative appeal from a holding of the Intellectual 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.

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

~~Division means the Copyright Division of the Department of Intellectual Property.~~

~~In the phrase "individuals, legal entities or organization," **individual** means a natural person,~~

~~and **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.

An **exclusive license** is an agreement by which the owner agrees to grant all rights to the licensee without retaining the right for the owner to exploit the subject matter of the license. A **sole license** is an agreement by which the owner retains the right to exploit the subject matter of the license but otherwise grants all rights to the licensee.

A **non-exclusive** license is an agreement by which the owner grants a license but retains both the right to exploit the subject matter of the license and the right to grant licenses to other persons.

A **sub-license** is an agreement by which an exclusive licensee grants all or part of its rights to another person.

Minister refers to the Minister of Science and Technology, ~~who shall be responsible for the administration and administrative enforcement of laws, decrees, decisions, and regulations notices related to intellectual property.~~

Notification means, in the context of Article 93 of the Intellectual Property Law, a statement filed with the Department in accordance with ~~these Regulations~~this Decision that an author or other right holder makes a claim of ownership or other rights to a work of authorship, or in the context of Article 94 of the Intellectual Property Law, that a performer, phonogram producer, or other right holder makes a claim of related rights to a performance or recording or broadcast thereof, or to a phonogram or broadcast, as appropriate.

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

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 any proceedings before the Department.

Record and **recordation** refer to the process of recording a notification with the ~~Division~~Department and to records of such notification in the official records of the ~~Division~~Department.

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.

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.

Traditional literary or artistic work means a work or versions thereof, whether fixed or not, that is recited or performed and is recognized to be part of the cultural heritage or folklore of a particular region, territory, or people, provided that either the authorship of the original work is no longer known or that the work is of such an age that no living person would be entitled to claim copyright protection for the work.

The terms **holder or owner, or rights holder or rights owner**, as appropriate, are used interchangeably to refer to an author, in the context of copyright, or to a performer, producer, or broadcaster, in the context of related rights, or to any person who is legally entitled to the rights of such person by virtue of being such person's assignee or successor in interest or other person who has received such rights by Law.

Work of joint authorship means a work that is made by two or more authors who each make an original contribution to a single work and where the nature of the contributions of each author is such that the contributions cannot be separated without destroying or changing the form of expression of the work.

Article 4. Protection Available; International Agreements.

1. Protection for any work of authorship or for related rights shall be available in accordance with the Intellectual Property Law and ~~this Regulation~~this Decision.
2. The term of protection of a photographic work shall be as provided in paragraphs 1 and 2 of Article 109 of the Intellectual Property Law.
3. In case of any conflict between the provisions of ~~this Regulation~~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.

Article 5. Works of Authorship Eligible for Protection; Originality; Creation.

1. Every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, is eligible for copyright protection in the Lao PDR, provided that the work is an original creation of its author and that such protection is not excluded by Article 90 of the Intellectual Property Law. In determining whether a work is entitled to copyright protection, the types of works identified in Article 88 of the Intellectual Property Law shall be understood to be examples of the broad range of works that are eligible for protection and not an exhaustive list of works or types of works that may be protected.
2. For purposes of Article 88 of the Intellectual Property Law, a work is an original creation of its author if the form in which it is presented involves some degree of creative effort. A work is not an original creation if it is copied from another source.
3. To be eligible for protection under the ~~copyright-Intellectual Property Law~~, it is not necessary that a work be new in the sense that its content has not previously existed.

Protection is available if the work is original as described in this article, even if the subject matter has been addressed by another. Copyright protection extends to the form in which a work is presented and not to the content of the work. Thus, multiple authors may address the same subject matter in different ways that each constitute an original expression, and each such original expression would be eligible for copyright protection, provided that other requirements for protection were satisfied.

4. A work is eligible for copyright protection from the time it is created. As provided in Article 88 of the Intellectual Property Law, a work is created when it is fixed in a tangible medium. ~~A work may be fixed in a tangible medium, for example, when it is written or drawn on paper, saved in electronic format, painted on canvas, cast in metal or chiseled in stone, or the like.~~—A work is not fixed in a tangible medium if its only form of expression is ephemeral, but an ephemeral work may be fixed by recording, storing, or reproducing a copy of it in a tangible medium. ~~Examples of ephemeral works include o~~Oral presentations, live performances and broadcasts of live events are considered to be ephemeral works unless recorded. ~~, and the presence of a work on a computer. Such works may be fixed by, for example, recording an oral presentation, live performance, or live broadcast in a tangible medium, or by storing a work from a computer in a tangible medium or by printing it. A work that is prepared only in electronic form will be considered to be ephemeral until it is stored or recorded or otherwise fixed.~~

5. A work may be created for purposes of Article 88 of the Intellectual Property Law even though it is incomplete or will be subsequently modified. Thus, an early version of a work of authorship will be subject to copyright protection from the time it is fixed in a tangible medium, even though the author later modifies or discards the earlier version.

6. As provided in Article 89 of the Intellectual Property Law, a derivative work shall be protected as an original work without prejudice to the rights of the author of the original work on which the derivative work is based. Thus, a work may be an original creation even though it modifies or is derived from another work, provided however, that the right to create a modified or derivative work is subject to the authorization of the author of the original work for the term of copyright in the original work. The author of the original work, or such person's successor in interest, may therefore grant or withhold authorization to produce a modification or derivative work and the conditions on which such authorization may be given.

7. Article 4 of the Intellectual Property Law, final sentence, shall be understood to have a meaning consistent with the term public order as used in international law and shall not be interpreted to restrict the exercise of copyright for reasons based on cultural objections.

Article 6. Persons Eligible for Protection.

1. Copyright protection is available to any author, or to such person's employer or successor in interest as provided in Article 95 of the Intellectual Property Law, without regard to nationality, place of publication, or place of business.

2. Protection of related rights is available to any performer, producer of phonograms, broadcaster or broadcasting organization as provided in Article 91 of the Intellectual Property Law, or to such person's successor in interest, without regard to nationality or place of business, subject to the provisions of paragraph 3 of that Article requiring the appointment of a representative if an applicant is without business premises or residence in the Lao PDR, and

further subject to the provisions of Article 92 of the Intellectual Property Law governing the eligibility for protection of performances, phonograms, and broadcasts.

Article 7. Language.

1. An application to record a notification of copyright or related rights may be filed in either the Lao language or in the English language. 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. Any documents that accompany the application form, such as a power of attorney, assignment, or license agreement, must satisfy the language requirements of this article, but translation of the work is not required as a condition for filing a notification. Such filing will be sufficient to establish a filing date or date of submission for the application or other materials.

2. Application forms are available in the Lao and in the English language, and an application submitted on a form provided by the Department shall be deemed to 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 ~~Copyright Division~~Department and accompanying material, other than the work itself, shall be in the Lao language or the English language, and if 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. The ~~Division~~Department shall have the authority to grant extensions of time in appropriate circumstances and on such conditions as may be determined by the ~~Division~~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 ~~Division~~Department reasonably believes that the translation does not correctly represent the original, the ~~Division~~Department may require a second translation, at applicant's expense.

6. Notwithstanding any other provision of this article, where translation would lead to confusion or be unhelpful, the ~~Division~~Department may waive the requirement for translation with regard to specific portions of a document. Translation is not required for names of persons, organizations, trade names or trademarks, technical terms, or street names that would not be readily recognizable in translation.

SECTION II
Recordation of Notifications

Article 8. General Provisions Relating to Applications to Record a Notification of Copyright or Related Rights; Effect of Recordation.

1. To record a notification of copyright or related rights, the applicant, the application, and

its subject matter must satisfy all requirements of the Intellectual Property Law and of ~~these Regulations~~this Decision. Examination shall be limited to formal requirements as provided in Article 8 of ~~these Regulations~~this Decision, and no substantive examination is required or will be conducted.

2. The Department will not issue advisory opinions regarding the likelihood that a particular work, performance, phonogram, or broadcast, or application to record notifications regarding them will satisfy the requirements of the Intellectual Property Law and ~~these Regulations~~this Decision, and the Department will not provide legal advice to applicants. A person who wishes to obtain information relevant to such person's rights or the likelihood of being able to record a notification is advised to consult an attorney.

3. Recordation of a notification of copyright or related rights should not be confused with registration that is necessary to create rights, as in the case of industrial property. Recordation of a notification of copyright or related rights is not required to establish a claim to copyright or related rights, which arise immediately upon creation, and does not establish such a claim, nor is it required to establish ownership. ~~Such recordation is~~may serve as evidence that the person named in the certificate ~~of notification~~ claimed rights as stated in the certificate for the work, performance, phonogram, or broadcast stated in the notification, and that such claim was made on the date of recordation. Such evidence may be taken into account by a court or other body in making a determination of rights and in particular may be useful in cases of competing or disputed claims of ownership or other rights.

4. Where more than one application is filed to record notifications in the same or a similar or related work, performance, phonogram, or broadcast, the Department will record each notification that meets the requirements for recordation, even where the notifications clearly relate to conflicting claims. The ~~Division~~Department does not have the authority to adjudicate disputes over conflicting claims of authorship, ownership, moral rights, or other rights; such disputes may be resolved through a request or claim to the courts.

Article 9. Application Procedures.

1. Any person who is eligible for protection as described in Article 6 of ~~these Regulations~~this Decision, and who has a claim that is legally cognizable, and who wishes to record a notification of copyright or related rights, 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 ~~Copyright Division~~Department a copy of the application, together with any required documents. The ~~Division~~Department will conduct a 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 ~~Division~~Department finds that the papers contain all of the required documents, the ~~Division~~Department will 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 to record a notification of copyright or related rights, and the title of the work that is subject of the application; date of submission; and the filing number. Such certificate shall be annexed to one of the copies presented by the applicant and returned to the applicant along with the certificate, and the other copy shall be

retained in the files of the ~~Division~~Department.

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. The ~~Division~~Department shall then record the notification in its records and issue a certificate as provided in ~~Article XX of these Regulations~~this Decision.

5. If the ~~Division~~Department finds that some of the required elements are missing, the ~~Division~~Department will immediately notify the applicant or applicant's representative to supply the missing items and suspend procedures until the applicant submits the missing items. When the applicant submits all required items, the ~~Division~~Department will issue the receipt provided in paragraph 2 of this article.

7. An application to record a notification must also meet other requirements prescribed by Intellectual Property Law and ~~these Regulations~~this Decision. It is the applicant's responsibility to ensure that an application complies with all requirements for recordation.

Article 10. Application Requirements.

1. As provided in Article 94 of the Intellectual Property Law, an application to record a notification of copyright or related rights shall indicate the name of the author, the title of the work, and its date of creation. The application shall be presented on the form provided and in addition to the items enumerated in Article 94 of the Intellectual Property Law shall contain such additional information and materials as the Department deems necessary to identify the nature of the work, performance, phonogram, or broadcast that is the subject of the notification and the nature of the claim.

2. In accordance with paragraph 1 of this article, an application shall contain the following items in substantially the order shown below:

- 1) Application on the form provided, together with a receipt for payment of fees, as provided in Article 9 of ~~these Regulations~~this Decision.
- 2) If the applicant is represented, a power of attorney and the name and address of applicant's representative in the Lao PDR.
- 3) Two (2) copies of the best edition of the work, performance, phonogram, or broadcast.
- 4) A list of items annexed to the application.
- 5) 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.

3. The application form shall require the following information and such other information as the ~~Division~~Department may from time to time provide by Notice:

- 1) Name and address of the applicant or applicants;
- 2) 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;
- 3) 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.
- 4) Title of the item that is the subject of the notification, or if untitled, a brief description sufficient to identify it, and the nature of the subject matter, ~~for example that is~~, whether it is a literary work, dramatic work, performance, phonogram, recording of a broadcast, or the like;
- 5) Date on which the work was created as described in Article 5 of ~~these Regulations~~ this Decision.
- 6) Brief statement of the rights claimed by the applicant, such as owner, joint owner, owner of partial interest, or license-holder;
- 7) Basis on which applicant claims rights, ~~for example that is~~, that the applicant is the author, performer, producer of the phonogram, or broadcaster or broadcasting organization; employer of such person; received rights by contract with such person, including as a collective management organization; or inherited such rights.
- 8) Whether applicant has previously recorded a notification for an earlier version of the work, performance, phonogram, or broadcast, or whether the subject of the present application is derived from a previously-recorded work, performance, phonogram, or broadcast that has previously been the subject of a recorded notification, and if so, the date and number of such recordation certificates.
- 9) Statement of whether a work has been published or otherwise made available to the public, and if applicable, a brief statement as to the nature of such publication or other disclosure and the date and place of such publication or public disclosure.
- 10) Signature acknowledging that applicant has been warned of the penalties for providing false information.

4. For purposes of item 3 of paragraph 1 of this article, the best edition of a work or other item is a copy that the ~~Division~~ Department is most suitable to its needs. In most cases, this will be the version of the item that

- 1) is in broadest circulation;
- 2) is in the most durable format, ~~in particular for example~~, a printed edition of a work should be on the most durable, paper and in particular on archival-quality paper;
- 3) is the most complete version of the item, ~~for example~~, for works of instrumental music, the best edition will generally be one with the fullest score rather than a condensed score; for software and computer programs, the best edition will generally be one that includes documentation and instruction; for works that are subject to modification, the best edition will generally be the most complete version of a work.

The ~~Division~~ Department may from time to time publish guidance as to the criteria it will apply and may require that the applicant present a copy in a form that can be readily stored in the ~~Division~~ Department's files. In appropriate cases, and particularly with regard to bulky items,

the ~~Division~~Department may require the submission of photographs of the item in sufficient views to identify the item or may accept an electronic version of the item.

5. Normally, a notification should apply only to a single item. However, a single notification may apply to a group of related items, such as a collection of poems or songs.

6. Where a notification is made with respect to an item that has been the subject of a previous notification or to a modification or later version of such earlier-recorded item, the later application shall ~~be include a cross-reference~~ to the earlier application.

7. By filing an application, or by having such application filed on one's behalf, the applicant consents to be bound by ~~these Regulations~~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.

SECTION III Collective Management Organizations

Article 11. Policy on Collective Management Organizations.

It is the policy of the Lao PDR to

- 1) Promote the development and effectiveness of collective management organizations and their efficient operation in the Lao PDR in accordance with Lao law and international best practices and in the interests of their beneficiaries;
- 2) Encourage cooperation between Lao collective management organizations and their foreign counterparts;
- 3) Interfere in the operations of collective management organizations to the least extent consistent with paragraph 1 of this article.

Article 12. Establishment of Collective Management Organization.

1. A collective management organization may be established in the Lao PDR in accordance with the Enterprise Law and with Articles 114 through 116 of the Intellectual Property Law.
2. A foreign collective management organization may be recognized to conduct business in the Lao PDR.

Article 13. Registration of Collective Management Organizations.

1. Any organization that wishes to conduct business as a collective management organization in the Lao PDR shall register with the Department as a collective management organization.
2. Registration is accomplished by submitting an application to register as a collective management on the official form. The application shall include the following information:
 - 1) Name of the organization and name of its president or other person with authority to take legal action with regard to the organization;
 - 2) Address of the organization's principal business office, and if applicable address in the

- Lao PDR, and for each, the telephone number, and if available, facsimile number, information for electronic communication such as email, and website;
- 3) If a different address has been designated for purposes of serving legal notices, including service of process to initiate a civil claim, such address and the name of person to receive such notice;
 - 4) If represented, the name of the organization's representative in the Lao PDR and the representative's address, telephone number, and if available, facsimile number, information for electronic communication such as email, and website;
 - 5) Country or other geographical region and sub-region in which the entity is legally organized, the date on which it was organized, its legal form of organization as shown in the documents establishing the organization, and the purpose for which the organization is formed as shown in the legal documents establishing the organization;
 - 6) The nature of the rights and types of beneficiaries it represents or expects to represent, for example, phonogram producers, singers and songwriters, authors, or the like; and
 - 7) The general nature of the arrangement with beneficiaries, for example, whether the organization requires an assignment, exclusive license, or non-exclusive license;
 - 8) The nature of services that the organization agrees to provide, for example, promotion, enforcement, distribution of royalties;
 - 9) A statement that the organization will work to maximize return to its beneficiaries; and
 - 10) A statement that the organization agrees to provide information on its operations ~~to the~~ as required by the ~~Division~~Department.

3. Where the Department gains access to information on the operations of a collective management organization, through an application or subsequent furnishing of information, and such information is not public, the Department shall maintain such information in confidence except as required to carry out the Department's duties and in particular where such information must be divulged in connection with judicial action.

Article 14. Authority and Obligations of Collective Management Organizations.

1. A collective management organization that has registered with the Intellectual Property Department shall have the authority to represent its beneficiaries in negotiations and in enforcement actions through the courts and administrative agencies to the extent provided by agreement between the organization and the beneficiaries.
2. Collective management organizations shall have a fiduciary obligation to exercise their responsibilities on behalf of their beneficiaries.
3. Collective management organizations shall maintain records of their activities and financial transactions in accordance with good standards of accounting and shall prepare a report describing their activities, including income and expenditures, at least annually. Such report shall indicate, at a minimum, the following information:
 - 1) Number of authors, performers, phonogram producers, or broadcast organizations that participate in the organization;
 - 2) Number of works, performances, phonograms, or broadcasts that the organization controls on behalf of the persons mentioned in item ~~2-1~~ of this paragraph;
 - 3) Summary of activities to collect income for reproduction, performance, or other exploitation of such works, performances, phonograms, or broadcasts;
 - 4) Total amount of income collected by the organization, specifying

- a. The amount of such income that is collected from others for reproduction, performance, or other exploitations of the works, performances, phonograms, or broadcasts of their beneficiaries and
 - b. Other sources of income if applicable.
- 5) The total amount of expenditures by the organization, specifying
- a. The amount disbursed to beneficiaries as royalties or other income based on the reproduction, performance, or other exploitations of the works, performances, phonograms, or broadcasts of their beneficiaries, and
 - b. Expenditures for enforcement activities, and
 - c. Other expenditures, including salaries and overhead.
- 6) Method used to determine royalties or other amounts to be disbursed to beneficiaries if other than actual records.

Article 15. Oversight of Collective Management Organizations.

1. The Department shall, ~~through the Copyright Division,~~ exercise oversight over collective management organizations to prevent abuses and omissions such as the following:

- 1) Failing to take reasonable steps to collect compensation for the reproduction, performance, or other exploitations of the works, performances, phonograms, or broadcasts of the organization's beneficiaries;
- 2) Failure to distribute an appropriate share of such compensation to the organization's beneficiaries;
- 3) Distributing such compensation to some of the organization's beneficiaries in a discriminatory manner;
- 4) Failing to adopt and implement a reasonable plan for obtaining and distributing such compensation for the organization's beneficiaries.

2. In exercising its oversight, the Department may take such reasonable measures as ~~se~~ may be necessary and appropriate to prevent or address abuses. The Department may take action on its own or in response to a complaint and may engage accountants, economists, or other experts to assist in its supervisory activities. In particular, the Department may take the following actions:

- 1) Review a collective management organization's annual report;
- 2) Conduct an audit of a collective management organization's financial activities;
- 3) Evaluate a collective management organization's strategy and implementation of efforts to secure greater cooperation with persons, organizations, and legal entities that exploit the rights of beneficiaries and to secure enforcement of rights and agreements for cooperation with such persons, organizations, and legal entities;
- 4) Evaluate a collective management organization's system for distributing compensation to its beneficiaries;
- 5) Request additional information from a collective management organization where needed for oversight purposes; and
- 6) Investigate complaints by beneficiaries or other interested persons.

3. In general, where the Department requests information or access to a collective management organization's records, the Department shall provide reasonable notice, shall limit its requests to information or records to those needed for to carry out the Department's role in preventing abuses, and shall provide for information and access to be provided on terms that are

reasonable under the circumstances.– Collective management organizations are expected to cooperate with the Department's oversight.

4. In the event that a collective management organization does not cooperate as provided in paragraph 2 of this article, or where the Department has a valid reason to believe that a collective management organization is committing an abuse and that prompt action is required to prevent loss of evidence, the Department shall seek a judicial order requiring the collective management organization to provide the information or access promptly or permitting the seizure of records or other action as appropriate.

5. If the Department finds information indicating that an abuse has occurred or is likely to occur, or that its operations are conducted in a manner that make it vulnerable to committing an abuse, the Department shall so inform the collective management organization and invite it to take corrective action within a time to be specified in the order. Such situations may include, for example in particular, the absence of a policy on conflicts of interest or overhead costs that are high relative to the amounts of compensation shared among beneficiaries. The Department may specify the corrective action to be taken or may invite the collective management organization to devise its own plan for corrective action. The aim of such activities will be to prevent abuses, or where abuses are found to exist without deceptive intent, to see that they are promptly remedied and measures are adopted to prevent their recurrence.

6. Notwithstanding paragraph 5 of this article, if the Department finds that a collective management organization has committed a gross abuse such as withholding amounts due to beneficiaries, corruptly failing to collect amounts due, or falsifying records, the Department shall take immediate legal action, at least until such abuse can be rectified. In such situation, the Department may request the court to suspend the organization's operations or to appoint an independent party to receive and disburse amounts collected by the organization.

Article 16. Assistance and Support for Collective Management Organizations.

The Department shall provide assistance and support for collective management organizations and their beneficiaries. Such assistance and support may include, in particular, providing guidance on relevant Lao law and international best practices through written materials, discussions, and workshops. The aim of such activities will be to encourage efficient and effective operations and prevent abuses, or where abuses are found to exist, to see that they are promptly remedied and measures are adopted to prevent their recurrence. The Department may from time to time publish notices specifying Departmental policy and guidance on issues related to the establishment and operations of collective management organizations. The Department shall maintain a list of registered collective management organizations and may publish the list from time to time.

Article 17. Right of Appeal.

Any collective management organization that believes the Department has made an improper requirement may file a request for reconsideration or an appeal to the court, as described below further in these Regulationsthis Decision.

SECTION IV Rights and Obligations

Article 18. Enjoyment of Benefits from Exploitation.

The rights of authors shall be as provided under Section V Part 4 of the Intellectual Property Law as limited by Part 7 of that Section. The rights of performers, phonogram producers, and broadcasters and broadcasting organizations shall be as provided under Section V Part 5 of the Intellectual Property Law as limited by Part 7 of that Section.

Article 19. Infringement and Exceptions.

The general rule in copyright and related rights is that any copying or other exploitation of a work, performance, phonogram, or broadcast by a person other than the copyright owner constitutes infringement unless

- 1) The copying or other exploitation has been authorized by the copyright owner;
- 2) The material being copied or otherwise exploited is excluded from copyright protection;
- 3) The material being copied or otherwise exploited was never protected or if protected, the term of such protection has expired; or
- 4) The material being copied falls under an exception created by the Intellectual Property Law.

Article 20. Authorization.

1. A right holder may authorize the copying or other exploitation in any manner and subject to any lawful terms to which the parties to the transaction may agree.

2. No specific form of authorization is required, but the form and terms of the authorization should be appropriate to the circumstances. Note that in case of a dispute, it is the responsibility of the party claiming that exploitation is has been authorized to provide evidence of such authorization, but the right holder will be responsible for providing evidence to refute such a claim. It is therefore preferable for both parties that authorizations be in writing, that signed by both parties, and specific as to the terms of the agreement authorizing exploitation.

3. While a written, specific agreement is always preferable, it is recognized that such agreements are not always obtained. In the absence of a detailed written authorization between parties to a dispute, the following rebuttable presumptions shall apply unless specifically provided to the contrary:

- 1) All authorizations will be presumed to be for a single instance of exploitation. Further acts of exploitation will be presumed to require further authorization.
- 2) All authorizations will be presumed to be limited in scope to the particular instance in which the authorization was given, and the person receiving the authorization will be presumed not to have the authority to authorize other instances of exploitation or exploitation by other persons.
- 3) An authorization regarding a non-commercial act in casual circumstances will be presumed not to obligate the party receiving the authorization to pay compensation to the party giving the compensation unless the exploitation generates revenue. In the absence of an agreement as to the terms of compensation, it shall be presumed that an equitable royalty will apply.
 - a. Where the non-commercial act in casual circumstances consists of a first person

requesting a second person to take a photograph or record an audio or audiovisual work or performance, using the first person's equipment and in a composition of the first person's choosing, the first person shall be presumed to be the author.

- b. Where such non-commercial act in casual circumstances consists of a first person requesting a second person to take a photograph or record an audio or audiovisual work or performance, using the first person's equipment and the second person contributes to the composition of a photograph, work, or recording, both persons shall be presumed to be joint authors and to have granted to each other unlimited rights to exploit the photograph, audio or audiovisual work, or recording of the performance.
- 4) In casual, non-commercial transactions, an authorization may be given orally or may be implied by the right holder, provided that the exploitation will not generate revenue or be used in a for-profit activity. ~~For example, a simple oral permission for a family member or friend to copy a photograph may be sufficient where copies will be made available within the family or circle of friends.~~
- 5) A commercial transaction or exploitation that will involve the generation of revenue will be presumed to obligate the party receiving the authorization to pay compensation for such authorization unless provided to the contrary in writing. In the absence of an agreement as to the terms of compensation, it shall be presumed that an equitable royalty will apply.
- 6) Where acts of exploitation constitute an ongoing commercial activity or activity that will involve the generation of revenue, it shall be presumed that the exploitation is not authorized in the absence of written evidence of such authorization, and compensation shall be due in accordance with industry practice.

4. A right holder may give blanket authorization for the exploitation of a work. Such authorization may be made subject to specific limitations or reservations, for example, as to nature or form of the exploitation. ~~A blanket authorization might state, for example, that~~

~~Permission is granted for the reproduction of copies of this article for non-commercial teaching purposes but written permission must be obtained for any other use of the article.~~

~~Permission is hereby granted to reproduce single photographs in printed format, but no electronic copies may be reproduced without specific authorization.~~

~~The patterns in this package may be freely reproduced by the purchaser for the purchaser's own use.~~

~~Permission is hereby granted to reproduce copies of the poems on this page provided each poem is quoted in its entirety together, the poem is properly attributed to the author, and a link is provided to this page.~~

5. A right holder, including a collective management organization, may grant a block license for the performance or other exploitation of any work, performance, phonogram, or broadcast.

Article 21. Subject Matter Not Protected Under Copyright.

1. Paragraphs 1 and 2 of Article 90 of the Intellectual Property Law exclude copyright protection for the following:

- 1) news of the day and miscellaneous facts having the character of mere items of press information;

- 2) ideas, procedures, methods of operation or mathematical concepts as such.

Thus, no authorization is required to reproduce information and facts, or to describe ideas, procedures, methods of operation or mathematical concepts, even though they have been previously described in another work. Note, however, that this exclusion does not extend to a work that contains such items. Thus, the exclusions of these paragraphs will enable another person to incorporate information and factual material from another source without committing an act of infringement or requiring permission, but it will not permit the same acts with regard to the work itself.

2. Paragraph 3 of Article 90 of the Intellectual Property Law excludes copyright protection for

- 3) official texts of a legislative, administrative and legal nature and official translations of such texts.

Note that this provision permits the free reproduction and copying of any official legislative, administrative, or legal text, and their translation, without authorization. This exception extends to official translations of such works but does not extend to privately-prepared translations, the reproduction of which will require authorization by the authors of the private or unofficial translations.

Article 2223. Fair Use.

1. An act of copying or other exploitation carried out without the right holder's authorization ~~does not constitute~~ infringement ~~if~~ unless the act qualifies as a fair use within the meaning of Articles 111 and 112 of the Intellectual Property Law. ~~Those articles implement provisions of Article 10 of the Berne Convention, which permits copying or other acts of exploitation that are "compatible with fair practice."~~ The principle of fair use is an exception to the rights provided under the Intellectual Property Law and is to be interpreted in a manner that is consistent with the Intellectual Property Law and that gives effect to its purpose. The terms "fair use" and "consistent with fair practice" are used interchangeably and are not intended to have a separate meaning.

2. While provisions relating to fair use create a major exception to the general rule that all copying or other exploitation requires authorization by the right holder, this exception is not an unlimited permission to copy or otherwise exploit a work, performance, phonogram, or broadcast. A claim of fair use will not allow a party to escape civil liability, or in some cases criminal prosecution, for infringement if it is determined that the copying or other act of exploitation is not, in fact, a fair use. Thus, a person who intends to rely on the principle of fair use should carefully consider whether a proposed act that would normally require authorization is, in fact, excused as a fair use, and if authorization can be obtained for the purpose for which such person intends to copy or otherwise exploit the work, such authorization is preferable.

3. Where fair use is claimed as a defense to a claim of infringement, the person claiming fair use must show that the use was, in fact, consistent with fair practice. Such person is responsible for asserting the defense of fair use, for producing evidence to demonstrate that the act constituted a fair use, and for persuading the court that the act was consistent with fair use and was therefore not an act of infringement. A determination would then be made by the court, taking into account the defense of fair use and the facts of the case.

4. Fair use is determined on the basis of the facts of the situation, taking into account all relevant factors. In determining whether a proposed act of exploitation constitutes a fair use, the following factors shall be specifically considered:

- 1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- 2) Whether the material is properly identified and attributed to its author or other right holder;
- 3) The nature of the copyrighted work or of the protected performance, phonogram, or broadcast, including whether the work is published or unpublished;
- 4) The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- 5) The effect of the use upon the potential market for or value of the copyrighted work.

~~In general, While~~ nonprofit educational uses are more likely to be considered a fair use than use of a commercial nature, ~~but~~ use of a commercial nature may nevertheless be a fair use. Uses of small segments of a work are more likely to constitute a fair use than uses that reproduce an entire work or major portions of a work, ~~and routine copying is unlikely to satisfy the requirement that fair use be restricted to special circumstances that do not conflict with the normal exploitation of a work or unreasonably prejudice the legitimate interests of the right holder.~~ ~~In applying the above factors requires,~~ Note that all factors must be taken into account, ~~but that even though~~ in some situations, one or more may be controlling. ~~For example~~ In particular,

- 1) The reproduction and publication of even a small portion of a larger work may be sufficient to destroy the market for the work. Such reproduction and publication would not constitute a fair use.
- 2) Quotation from a work without attribution is normally not a fair use since it deprives the author of the moral right of attribution and suggests that the user of the work is acting without regard to the rights of the right holder; however, see item 3 of this paragraph ~~for contrary examples.~~
- ~~3) Some works, such as sewing patterns, templates for letters or figures, sample contracts and form books containing drafts of legal documents, and collections of stock photographs or drawings, are prepared for the specific purpose of copying all or portions of the work. Their fair use is typically limited to specific purposes, but attribution is not generally required so long as the proposed use is within the scope of any specific restrictions by the right holder and is otherwise consistent with fair use.~~
- ~~4) Even though making an item of clothing from a sewing pattern would involve copying the entire work, it would be consistent with the nature of the copyrighted work and would enhance, not diminish the market for the work, and it would therefore be a fair use of the work.—~~
- ~~5) Reproducing a copy of the pattern in order to sell it would diminish the market for the work and would not be a fair use.—~~
- ~~6) Preparing a contract based on a form contract would be a fair use because this is the purpose of a form or form book.~~
- ~~7) 3) Reproducing copies of the form or form book for sale would not be a fair use because it would diminish the market for the work.
Reproducing a stock photo in a newsletter without permission would not be a fair use even though the photo is only one of perhaps ten thousand photos, since this would diminish the market for the stock photos~~

- 4) The fact that a work is unpublished does not necessarily bar a finding of fair use made upon consideration of all the other factors, but consideration should be given to the moral right of first disclosure as provided by Article 97 of the Intellectual Property Law.

Article 2322. ~~Specific Instances of Fair Use~~ Limitations and exceptions.

1. Article 111 of the Intellectual Property Law ~~identifies several specific instances~~ creates exceptions to the rights of the copyright owner in which there is a fair use that permits copying without authorization, subject to criteria identified in that Article. Article 112 of the Intellectual Property Law makes the same criteria applicable to performances, phonograms, and broadcasts and to recordings thereof. A party who wishes to rely on these provisions must strictly comply with the provisions ~~stated to justify~~ each exception. These should be viewed as special cases and not as a general rule permitting the unauthorized exploitation of works subject to copyright or related rights.

2. Pursuant to Article 10bis(1) of the Berne Convention, quotations authorized by Article 111, of the Intellectual Property Law, third paragraph, subparagraphs 1 and 2, may be made as provided therein only in cases in which the reproduction, broadcasting or such communication thereof is not expressly reserved, and subject to the provisions of this article.

3. Quotations from a work may be made without authorization of the right holder and without remuneration, provided that the proposed use satisfies all of the following conditions:

- 1) The work from which the quoted material has already been lawfully made available to the public;
- 2) The quotation does not copy more than is justified by the purpose for which the material is quoted; this provision specifically applies to quotations from newspaper articles and periodicals in the form of press summaries;
- 3) The quotation is properly attributed to its author or other right holder, including the source and of the name of the author if it appears on the work; and
- 4) The use is otherwise consistent with fair use as described in Article 22 of ~~these Regulations~~ this Decision and in particular will not conflict with a normal exploitation of the work and will not unreasonably prejudice the legitimate interests of the author.

3. A work may be used without authorization of the right holder and without remuneration, provided the proposed use satisfies all of the following conditions:

- 1) The proposed use of the work is limited to teaching purposes. This should be interpreted to apply to materials used directly for instructional purposes and not to the reproduction of such materials for publication or commercial distribution.
- 2) The proposed use of the work is made only to the extent justified by the purpose. This exception specifically applies to the reproduction of literary works and of images of artistic works for purposes of illustration in publications, and the use of broadcasts or sound or visual recordings for teaching purposes. Thus, showing a recording in a classroom to illustrate a teaching point would typically come under the scope of this item, but showing it to the public or reproducing copies of the recording would likely exceed the requirement that the proposed use be made only to the extent justified by its purpose.
- 3) The material used is properly attributed to its author or other right holder, including the source and of the name of the author if it appears on the work; and

- 4) The use is otherwise consistent with fair practice as described in Article 22 of [these Regulations](#)[this Decision](#), and in particular, will not conflict with a normal exploitation of the work and will not unreasonably prejudice the legitimate interests of the author.

Further guidance on this exception may be provided by the Department by Notice.

4. Reproduction by photography or cinematography may be made of images of works of fine art, photographs, and other artistic works, and of works of applied art, without authorization of the right holder and without remuneration, provided the proposed reproduction satisfies all of the following conditions:

- 1) The works to be reproduced have already been published, publicly displayed, or communicated to the public;
- 2) Such reproduction is incidental to the photographic or cinematographic work and is not the object of the photographic or cinematographic work;
- 3) Such reproduction will not conflict with a normal exploitation of the work and will not unreasonably prejudice the legitimate interests of the author.

5. The following acts of reproduction by the press and broadcasting or other communication to the public are permissible without consent of the author, and without remuneration, provided that the acts satisfy all of the following conditions:

- 1) The reproduction or broadcasting or other communication relates to articles published in newspapers or periodicals;
- 2) The items to be reproduced or broadcast relate to current economic, political or religious topics;
- 3) The source of the material to be reproduced is clearly indicated;
- 4) Such reproduction will not conflict with a normal exploitation of the work and will not unreasonably prejudice the legitimate interests of the author.

6. The provisions of paragraph 5 of this article apply also to the broadcast of works of the same character and are subject to the same conditions, but only where the reproduction, broadcasting or such communication of the works is not expressly reserved by the right holder.

7. Works subject to copyright or related rights may be reproduced and made available to the public without consent of the author, and without remuneration, provided that such acts satisfy all of the following conditions:

- 1) The purpose of such acts is to report current events by means of photography, cinematography, broadcasting or communication to the public by wire;
- 2) Such acts involve literary or artistic works seen or heard in the course of the event;
- 3) The works are reproduced or communicated to the public only to the extent justified by the informatory purpose;
- 4) Such reproduction or communication will not conflict with a normal exploitation of the work and will not unreasonably prejudice the legitimate interests of the author.

Article 24. Acts Not Considered to be Fair Use.

Pursuant to Article 111 of the Intellectual Property law, the following acts shall not be considered to be fair use, notwithstanding the fair use analysis provided in Article 22 of ~~these Regulations~~[this Decision](#):

- 1) Reproduction of a copy of an architectural works, including such reproduction by construction of the work.
- 2) Any reproduction or other exploitation that requires circumvention of technological measures to protect copyright or related rights,.
- 3) Any reproduction or other exploitation that requires the unauthorized removal or alteration of electronic rights management information.
- 3)4) Any use of a work, including use pursuant to the special exceptions provided under Articles 111 and 112 of the Intellectual Property Law, where such use conflicts with a normal exploitation of the work or unreasonably prejudices the legitimate interests of the right holder.

Article 25. Fair Use and Accessibility.

Article 111 of the Intellectual Property Law addresses the issue of accessibility to persons who are visually-impaired by creating a special exception allowing the translation of such works into Braille or other characters for visually-impaired persons. Such translation into Braille or other characters is a derivative work of the original. While Article 111 of the Intellectual Property Law allows such translation without authorization by the owner and without remuneration to the owner of rights in the work, the exploitation of such translation is nevertheless limited by the requirement that it must not conflict with a normal exploitation of the work and must not unreasonably prejudice the legitimate interests of the author. Note also that this exception extends only to the making of an original translation into Braille or other characters for visually-impaired persons and does not extend to permit the copying without authorization of such translation that has already been made.

Article 26. Out-of-Print Literary Works.

1. Out-of-print works pose special issues with regard to the issue of authorization. This article provides guidance on how to proceed when a literary work is out of print.

2. Even though a work is out of print or otherwise unavailable in the Lao PDR, the work itself may nevertheless still be subject to copyright. The first inquiry should therefore be to determine whether the work is subject to copyright protection or whether such work is not protected as provided under Article 21 of ~~these Regulations~~[this Decision](#). If the work is protected, the next inquiry is whether the proposed use requires authorization. Quotations can be made from an out-of-print work on the same basis as from any other work that is, with permission from the right holder, or in reliance on an exception provided under Article 111 of the Intellectual Property Law, including the principle of fair use if applicable. Also note that if the publisher is planning to publish additional copies or another edition, no fair use is possible since reproduction of copies would interfere with the normal exploitation of the work.

3. If the proposed use of a work requires authorization by the right holder, for example, because the proposed exploitation will be accomplished in a manner, for a purpose, or to an extent that is not consistent with one of the exceptions for which authorization is not required, it is necessary to seek permission from the right holder.

4. Authorization can sometimes be obtained for out-of-print works in the same manner as for works that are in print, and often on more favorable terms. Many publishers participate in licensing arrangements ~~through organizations such as the Copyright Clearance Center, an online service~~ that facilitates requests and the grant (or refusal) of authorization on terms set by the right holder. Many publishers also provide an inquiry point for "permissions" on their website. Some organizations have policies that provide for blanket authorization or a block license. ~~For example, some scientific and technical journals grant permission to copy items such as a single photograph or table from any journal issues that were published before earlier than a specific date.~~ Permission is required ~~to reproduce some items, such as graphs, tables, photographs, or poems,~~ even though the amount to be copied is only a portion of the entire article because ~~such items such as graphs, tables, photographs, poems, and the like~~ each constitute an entire work. ~~Such p~~Permission is typically made subject to a requirement that the person making the copy correctly credits the ~~journal as the source.~~ ~~Such licenses are often free or are available at a modest cost.~~ ~~Depending on the nature and extent of the proposed reproduction, the number of copies to be reproduced, and the policy of the right holder, permission may be granted freely, granted at substantial cost, or refused.~~ Authorization granted or refused for out-of-print items has the same legal effect as authorization granted or refused for an item that is in print. Where authorization is obtained, the reproduction or other exploitation should be conducted in a manner consistent with the terms on which the authorization has been granted.

5. ~~Clearly, a~~Any person who wishes to reproduce an out-of-print work should first ~~consult these sources~~ seek permission. If, after inquiry that is reasonable under the circumstances, it is desired to reproduce an entire work but the right holder cannot be located, the facts that the work is out of print and the right holder cannot be located are additional factors to consider in determining whether the proposed reproduction constitutes a fair use. Such reproduction will generally be considered as a fair use if the reproduction meets any of the following conditions:

- 1) The portion of such work to be reproduced is a relatively small portion of the entire out-of-print work and in any event amounts to no more than two pages.
- 2) The work is to be reproduced in a small number of copies.

SECTION V Administrative and Judicial Review

Article 27. 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 ~~these Regulations~~ 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 28. Administrative Review: How Initiated.

1. A collective rights organization 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 such party believes supports the request for reconsideration or appeal.

Article 29. Request to Stay.

A request for administrative review initiated pursuant to Article 28 of ~~these Regulations~~[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.

Article 30. Reconsideration.

1. Where a party 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. An action brought under this article is a request for the Department to exercise its supervisory authority.

3. A 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.

4. No fee shall be charged in connection with a request for reconsideration.

Article 31. Board of Appeals ~~Committee~~.

A Board of Appeals ~~Committee~~ shall be constituted to resolve administrative appeals relating to the grant, refusal, or any requirement made by the Department in connection with its supervision of a collective management organization. The Board of Appeals ~~Committee~~ shall be independent of any Division within the Department. The ~~Committee~~ 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 32. 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 produce copies of its records or the Department's requirement to take corrective action. The appeal shall identify the date of the decision or requirement being appealed and must comply with the requirements of ~~these Regulations~~ 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 ~~these Regulations~~ this Decision or to practice in the relevant commercial sector, 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 ~~Committee~~ may summon independent experts to advise on specific issues.
7. 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.
8. At the conclusion of the appeal, an application will be returned to the ~~Division~~ Department for such further action as may be appropriate, consistent with the holding of the Board of Appeals ~~Committee~~, 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 ~~Code~~.
9. Where an appeal fails to provide the information required under paragraph 2, the Board of Appeals may summarily dismiss the appeal.

Article 33. Further Appeals.

1. Any 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. Any 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 34. 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 VI
Transfer of Rights**

Article 35. Transfer of rights; Recordation.

1. The owner of copyright or related rights may transfer all or part of such person's rights by contract, inheritance, or gift. A notification may be filed to make such transfer of record by the person making the transfer or by the person receiving such rights. If the notification is filed by the transferee, such person must serve a copy on the person making the transfer.
2. Where there is a transfer of ownership of a legal entity, the ownership of copyright and related rights 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 copyright or related rights owned by the entity being transferred.
3. 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.
4. 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.
5. Where a single transfer relates to multiple files or applications, a single transfer document together with a copy for each file and a notation as to the file in which an original is placed.

Article 36. Licenses.

1. A license agreement may be recorded using the procedures of Article 35 of [these](#)

Regulations~~this Decision~~, in which case it shall be subject to the same requirements. Where rights to intellectual property are jointly held by multiple persons, an exclusive license shall be mutually agreed by all right holder, but unless provided otherwise by agreement, any right holder may grant a non-exclusive license to any person.

2. The sale of an item that embodies a work of authorship, performance, phonogram, or broadcast 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 work, performance, phonogram, or broadcast for its ordinary purposes but does not give such purchaser the right to make copies or otherwise exploit the work, performance, phonogram or broadcast, unless the right holder agrees 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 embodies the work, performance, phonogram, or broadcast. Where such transaction is limited in time or scope, such implied license shall likewise be limited to the same time and scope.

4. Where a 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 right holder agreed to such transaction.

5. Where there is a transfer of ownership of a legal entity that is a licensee of one or more works subject to copyright or related rights, 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.

SECTION VII Representation

Article 37. Persons Authorized to Appear before the ~~Division~~Department.

1. Subject to the provisions of Article 6 of ~~these Regulations~~this Decision and paragraphs 2, 3, and 4 of this article, the following persons are authorized to appear before the ~~Copyright Division~~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 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 of the assignee of the entire interest in the subject matter of the application.

2. Subject to the provisions of Article 6 of [these Regulations](#)~~this Decision~~, any person may represent himself or herself or may appoint a representative to act with regard the to the filing any application or in any other proceeding before this Department relating to copyright or related rights or to the supervision of collective management organizations.

3. Notwithstanding paragraph 1 of this article, any fee may be paid at any time by any person.

Article 38. 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 authors, performers, phonogram producers, or broadcasters, the power of attorney must normally be signed by all of such persons 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 37 of [these Regulations](#)~~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 39. Power of Attorney.

1. A Power of Attorney authorizes a representative appointed in accordance with [these Regulations](#)~~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 works, performances, phonograms, or broadcasts 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 [these Regulations](#)~~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 40. 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, as~~ in the case of joint authors, 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 39 of ~~these~~ [Regulations](#) ~~this~~ [Decision](#).

3. Where the Power of Attorney is in a foreign language, a translation into the Lao language shall be provided.

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 41. Power of Attorney for Multiple Matters.

Where a Power of Attorney relates to multiple applications 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 42. 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 or where the applicant or other party provides a power of attorney within the time provided in ~~these Regulations~~ [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 43. 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 ~~these Regulations~~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 44. 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 ~~these Regulations~~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 45. 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 ~~these Regulations~~[this Decision](#) and with other ~~Regulations~~[Decisions or Notices](#) 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 ~~these Regulations~~[this Decision](#).

Article 46. 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 47. 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, ~~these Regulations~~[this Decision](#), and any other applicable law, ~~decree, decision, or regulations~~[notice](#). 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 VIII
Administrative Provisions

Article 48. Secrecy and Access to Files.

1. Files and documents relating to applications that are pending before the Department shall be maintained in secrecy. No person other than the applicant or a named author, performer, phonogram producer, or broadcaster shall have access to pending notification files or the information contained therein without written permission from the applicant. No person other than an officer or representative of a collective management organization shall have access to pending files relating to the management of those organizations. A power of attorney is considered to grant such permission.

2. Files and documents relating to notifications that have been issued shall be available for public inspection and copying during normal business hours, subject to payment of applicable fees. Files and documents relating to completed actions relative to the supervision of a collective management organization shall be available for 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 49. Communication with the Department.

1. All business with the Department relating to copyright or related rights, an application to record a notification, the supervision of a collective management organization, 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 a notification, 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. Duplicate copies should not be filed except on request by the Department. The Department may dispose of duplicate copies of correspondence in the file of a notification 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 work or related rights to which the information relates.

Article 50. Identification of Documents.

1. Each item of correspondence relating to copyright or related rights, or to an application to record notification, or to supervision of a collective management organization, 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, including~~ application to record notification of rights of performer, response to Department communication, appeal, or payment of fees, together with the name of the author, performer, producer, or broadcaster, and the application or file number associated with the matter. In addition, unless it is impractical, each page and each item enclosed with the correspondence should bear at least the application or file number of the application or other matter. For items such as drawings or pictures, such information may be recorded in pencil on the reverse side of the item 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 51. Form of Correspondence.

1. Correspondence with the Department relating to copyright and related rights, notifications 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 preferably of archival quality. Where such items are not of suitable quality, the Department may accept such items but may require the submission of archival-quality documents, drawings, or photographs prior to final approval of an application.

3. If items submitted are not legible or are not of sufficient clarity and quality to for archival storage, the Department shall so notify the applicant and provide an opportunity for the applicant to submit corrected documents.

Article 52. 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 copyright or related rights, a

notification, or application therefor, or with a supervisory action relative to a collective rights organization, 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 in particular~~, 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 53. Times for Taking Action; Expiration on Saturday, Sunday or National Holiday.

1. Wherever the Law, ~~these Regulations~~~~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 IX
Registration Fees and Service Fees

Article 54.

SECTION X
Effective Date
Final Provisions

Article 55. Implementation.

Article 56. Effective Date.
XX.

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

~~Minister to the Prime Minister's Office~~
~~President of Science and Technology and Environment Agency~~

~~Bountiem PHISSAMAY~~

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