Authentic in Lao Only

LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

The Prime Minister's Office
Science Technology and Environment Agency No. 322/STEA-PMO
Vientiane, February 18, 2003

Regulation
on the implementation of Decree on Patent, Petty Patent and Industrial Designs

- Based on the Decree of the Prime Minister No. 01/PM dated January 17, 2002 on Patent, Petty Patent and Industrial Designs;
- Based on requirements for interpretation of this Decree and to unanimously set up the rules relating to the filing patent application of invention, device and registration of industrial design throughout the country;

The President of Science Technology and Environment Agency regulates:

SECTION I
General Provisions

Article 1: This Regulation sets forth the implementation of Decree on Patent, Petty Patent and Industrial Designs and the procedure for filing patent application of invention, device and registration of industrial design for the grant of patent, petty patent and certificate of industrial design in the Lao People's Democratic Republic.

Article 2: Any invention, device and industrial design can be protected in case of which have been granted or registered with the Science Technology and Environment Agency or the International Registry in which the Lao People's Democratic Republic is bound.

Article 3: An individual or legal entity of Lao citizen requesting to file patent application for his or her invention, device and register industrial design in the Lao People's Democratic Republic should contact directly the Science Technology and Environment Agency.

Article 4: An individual or legal entity of foreign country requesting to file patent application for his or her invention, device and register industrial design in the Lao People's Democratic Republic must apply through a representative authorized and permitted by the Science Technology and Environment Agency or relevant body.

Article 5: The owner of a patent, petty patent or certificate of industrial design, before allowing another person to use such invention, device or industrial design in the Lao People's Democratic Republic shall require the latter's agreement certified by relevant body such as:

court, law firm, chamber of commerce and others and shall notify in a written declaration the Science Technology and Environment Agency for consideration and acknowledgement.

Article 6: The application for protection of invention or device for a patent or petty patent shall be submitted in Lao language, in case the applicant is foreigner the application can be submitted firstly in his or her native language but the Lao version shall be submitted to the Registry Unit within 90 days from the date of filing and the translation from other language should be certified about the correct translation by any law firm or relevant body.

In case of the application for protection of invention or device with the International Registry, which the Lao People's Democratic Republic is bound, shall apply through the Registry Unit of the Science Technology and Environment Agency, in which the application should be submitted in Lao language and English certified about the correct translation.

The application for registration of industrial design for a certificate shall be submitted in Lao language, in case the applicant is foreigner the application can be submitted in English or Lao Language.

Article 7: The modalities and procedures for international application for the protection of invention through the Registry Unit of the Science Technology and Environment Agency shall be stipulated in the specific regulation for the above international filing.

SECTION II
Patent

Article 8: The patent means the title granted for protection of an invention whereas the invention is classified in two categories that consist of firstly an invention of a product such as machines, electrical or electronic devices, tools and other inventive products; secondly an invention of a process such as a series of steps for producing a product, know-how and other acts of using the process, from which one of two categories can be filed application for a patent separately or both at the same time.

Article 9: The application for a patent shall be used only for one invention and shall contain:

1. A request (due to the form of Registry Unit);
2. A power of attorney (in case an application through Agent);
3. A description shall describe sufficiently clear and complete for a person to be comprehensive about technique and steps of invention to be registered or protected.
4. A claim may be one or more, it function is to determine the scope of invention to be protected, which shall relate to the context stipulated in description for the court, relevant bodies or public domain to be understood easily the scope of protection.
5. Drawings shall be required on the basis of creator for the explanation and better understanding of his or her invention.
6. The abstract is merely a summary of technical information in particular relating to the subject matter of invention, facilitates the classification of the application for protection of invention.
7. It shall be subject to the payment of the prescribed fee for protection of invention.

Article 10: Notwithstanding the requirements stipulated in Article 9 of this Regulation, the application shall be required the attachment of a search report of invention issued by any international searching authority of foreign country or by relevant International Organization, which may be under the consideration of the Registry Unit.

In case of a search report, which shall not be attached with the application, the Registry Unit shall coordinate with any searching authority of foreign country or any relevant International Organization but the applicant shall cover the entire expenditure.

Article 11: When the application is divided into divisional applications relating to one invention or to a group of inventions, which shall be applied under Article 9 and Article 10 of this Regulation, and provided that each divisional application shall be recorded with the filing date and the priority date of the initial application.

Article 12: The application for a grant of patent may contain a declaration claiming the priority during a period of 12 months before the date of filing of an application for the same invention, which has been applied in any state party or with any International Organization of the Paris Convention on the protection of industrial property, where the application shall be attached by a copy of an earlier application filed abroad and certified by the Registry of foreign country or any International Organization, if not the declaration for priority shall not be considered.

Article 13: The applicant shall, at the request of the Registry Unit, furnish the data of an application for a patent filed in foreign country particularly relating to the same invention, which is applying for registration in the Lao People's Democratic Republic; the data shall contain:

(a) A certified copy of results of any search or examination carried out in respect of foreign application issued by International Registry or any State;

(b) A copy of the patent granted on the basis of the foreign application; or

(c) A copy of any final decision made by Court or relevant Organization refusing the grant of patent requested abroad.

Article 14: Where the applicant complies with the requirements stipulated in Article 7, Article 11 and Article 14 of the Decree on Patent, Petty Patent and Industrial Designs with number 01dated January 17, 2002, and Article 9, Article 10 and Article 13 of this Regulation, the Registry Unit shall consider and decide in respect of principles:

(a) An express indication that the application for the grant of a patent is sought;

(b) Indication allowing the identity of the applicant for registration of an invention to be established, or

(c) Decisive moment for evaluating the novelty of the purported invention.

The Registry Unit shall accord as the time and filing date, and shall provide the receipt of application to the applicant, publish, issue a patent and record in the registry within 50 months.

If the applicant did not comply the requirements referred to in the above paragraph or after examination, proven that the invention is not new, lack of ground and inventive step of invention and is not industrially applicable, the Registry Unit shall refuse and notify the applicant of that decision.

SECTION III
Petty Patent

Article 15: The petty patent means the title granted to the protection of a device applied under Article 8 of this Regulation.

Article 16: The application for the grant of a petty patent applied under Article 9 of this Regulation. After receiving the application, the Registry Unit shall consider and decide in respect of principles:

(a) An express indication that the application for the grant of a petty patent is sought;

(b) Indication allowing the identity of the applicant for registration of a device to be established, or

(c) Decisive moment for evaluating the novelty of the purported device, which has not been imitated from others or translated from international documents of any device. The Registry Unit shall accord as the time and filing date, and shall provide the receipt of application to the applicant, publish, issue a petty patent and record in the registry of devices within 12 months.

If the applicant did not comply the requirements referred to in the above paragraph the Registry Unit shall refuse and notify the applicant of that decision.

Article 17: A declaration claiming the priority in the application for a grant of petty patent applied under Article 12 of this Regulation.

Article 18: A petty patent shall expire 7 years after the filing date of the application or the date of receipt of the required correction.

- In order to maintain the petty patent, an annual fee shall be paid in advance by the owner of petty patent.
- If the owner of petty patent does not pay an annual fee in advance, the application for petty patent shall be deemed to have been withdrawn or the petty patent shall lapse.
- The Registry Unit shall, unless the owner of petty patent has shown that circumstances caused the late payment, allow a period of grace of 6 months.

SECTION IV
Industrial Designs

Article 19: A certificate of industrial design means the title granted to the registration of an industrial design that consist of drawings or designs, any three-dimensional form or any material which can serve as a pattern for a production of industry or handicraft.

Article 20: The application for registration of an industrial design shall contain:

(1) A request;
(2) Drawings, photographs or lines embodying the industrial design, which is used with any product;
(3) A specimen of industrial design, where it is two-dimensional;
(4) Where the applicant is not the creator, the request shall be accompanied by a power of attorney.

- One application may be used with some industrial designs in the subject of the same class of the international classification or to the same set or composition of articles; the classification of industrial designs shall be referred to the international classification outlined in the Locarno Agreement, last version.
- The application, upon registration, may contain a request for deferment of publication of the result of registration in limited period not exceeding 12 months from the date of filing or, the date of priority claimed in the application.
- The applicant may withdraw the application only at the time of filing or before issuing the certificate of an industrial design.

Article 21: In case where the owner has several industrial designs to apply for registration at the same time, the application for registration of each industrial design must be filed separately; but the attached documents in one of those applications shall be original and for other separate applications the photocopies of related documents can be used, but it must be noted by the filing number and date of the application, where original documents are attached.

Article 22: Where the application complies with the requirements as defined in the Article 20 of this Regulation, the Registry Unit shall notify the applicant to pay the prescribed fee charges and accord the time and date of filing and issues the receipt of the application.

If the application did not fulfill the requirements referred to in above paragraph, the Registry Unit shall suggest the applicant to file the required correction and shall accord the time and date of filing, the date of receipt of the final required correction.

Article 23: The application for a registration of industrial design may contain a declaration claiming the priority during a period of 6 months before the date of filing of an application provided for in the Paris Convention on the protection of industrial property, where the priority has been derived from earlier application of the same industrial design filed in any state party or with any international organization. The application shall contain a copy of an earlier application filed abroad and certified by the Registry of foreign country or any international organization, if not the declaration for priority shall not be considered.

Article 24: The application, after examination, fulfils that the all conditions of Article 20 of this Regulation the Registry Unit shall publish the result of registration to the public and issues a certificate of industrial design to the applicant within 6 months.

In case of the application, which has been refused the Registry Unit, shall notify the applicant of that decision.

Article 25: A certificate of an industrial design shall expire 5 years after the filing date of the earlier application (in case of required correction) and may be renewed for two continuous periods and each period takes 5 years.

- In order to maintain the certificate of an industrial design, an annual fee shall be paid in advance by the owner of industrial design.
- If the owner of industrial design does not pay an annual fee in advance, the application for industrial design shall be deemed to have been withdrawn or the certificate of an industrial design shall lapse.

Article 26: Within 6 months prior to the expiration of certificate of industrial design, the owner of industrial design can apply for renewal of registration, where the application shall contain:

(1) An application for renewal (in compliance with the application form of the Registry Unit);

(2) A power of attorney (if the application for renewal is applied through an authorized representative);

(3) A copy of certificate of an industrial design;

The receipt of the prescribed fee charges for renewal of certificate of industrial property.

Article 27: Within 3 months starting from the filing of an application for renewal of industrial design, the Registry Unit shall proceed the examination of an application, issue the

certificate of renewal, record in the Registry of industrial designs and publish the result of renewal on the official Gazette.

Article 28: In case the renewal of certificate of industrial design, which is not submitted on time with the Registry Unit, the owner of industrial design still has the right to apply for renewal of the registered industrial design with submission of reason for delay, but the delay shall not be exceeded 6 months from the date of expiration of the certificate of industrial design.

SECTION V
Amendment of filing patent application for invention, device and registration of industrial design

Article 29: Any change or modification relating to the filing patent application for protection of invention, device or registration of industrial design can be made only upon the request of the owner of patent, petty patent or industrial design to the Registry Unit, to which the application shall contain:

1. A request;
2. A power of attorney from the owner of patent, petty patent or industrial design (if the application is applied through an authorized representative);
3. The receipt of the prescribed fee charges for amendment of registration of invention, device or industrial design.

Article 30: The owner of patent, petty patent or industrial design can assign the rights to use of his or her invention, device and industrial design to any individual by submitting relevant documents to the Registry Unit, to which the application for assignment of rights shall contain:

1. A request;
2. A deed of assignment between the owner of patent, petty patent or industrial design and the assignee duly signed in conformity with the law and regulations including relevant documents;
3. A power of attorney from the owner of patent, petty patent or industrial design (if the application is applied through an authorized representative);
4. The receipt of the prescribed fee charges for assignment of rights to use patent, petty patent or industrial design.

Article 31: Individual or legal entity can apply for obtaining the information on invention, device or industrial design with the Registry Unit, to which the application shall contain:

1. A request;
2. The receipt of the prescribed fee charges for information on invention, device or industrial design.

Article 32: Individual or legal entity can apply for cancellation of a granted patent, petty patent or certificate of industrial design with the Registry Unit, to which the application shall contain:

1. A request;
2. The receipt of the prescribed charges for cancellation of patent, petty patent or industrial design.

SECTION VI
Official fees and resources derived from registration

Article 33: The fees for filing application of invention for a patent are divided into two categories such as official fee and services fees and the details are as following:

Official fee:	
1. Official fee for grant of patent	30 US$ per 1 item
Regular service fees:	
1. Application form for protection of invention	20 US$ per 1 item
2. Formality examination	10 US$ per 1 item
Irregular service fees:	
1. Request for opposition	20 US$ per 1 item
2. Amendment of application	10 US$ per 1 item
3. Assignment or licensing of patent rights	40 US$ per 1 item
4. Duplication of patent	10 US$ per 1 copy

- Fee charge of each search report relies on the calculation of relevant foreign Searching Authority or International Organization.

Article 34: In order to maintain the patent, an annual official fee and service fee shall be paid by the owner of invention are as following:

5th year	
- Official fee	30 US$ per 1 item
- Service fee	20 US$ per 1 item
6th year	
- Official fee	40 US$ per 1 item
- Service fee	20 US$ pet 1 item
7th year	
- Official fee	50 US$ per 1 item
- Service fee	20 US$ per 1 item
8th year	
- Official fee	60 US$ per 1 item
- Service fee	40 US$ per 1 item
9th year	
- Official fee	80 US$ per 1 item
- Service fee	60 US$ per 1 item
10th year	
- Official fee	100 US$ pet 1 item
- Service fee	80 US$ per 1 item
11th year	
- Official fee	140 US$ per 1 item
- Service fee	100 US$ per 1 item
12th year	
- Official fee	180 US$ per 1 item
- Service fee	120 US$ per 1 item
13th year	
- Official fee	230 US$ per 1 item

- Service fee	150 US$ per 1 item
14th year	
- Official fee	280 US$ per 1 item
- Service fee	180 US$ per 1 item
15th year	
- Official fee	330 US$ per 1 item
- Service fee	321 US$ per 1 item
16th year	
- Official fee	390 US$ per 1 item
- Service fee	250 US$ per 1 item
17th year	
- Official fee	450 US$ per 1 item
- Service fee	300 US$ per 1 item
18th year	
- Official fee	510 US$ per 1 item
- Service fee	350 US$ per 1 item
19th year	
- Official fee	570 US$ per 1 item
- Service fee	400 US$ per 1 item
20th year	
- Official fee	650 US$ per 1 item
- Service fee	450 US$ per 1 item

Article 35: The fees for filing application of device for a petty patent are divided into two categories such as official fee and services fees and the details are as following:

Official fee:	
1. Official fee for grant petty patent	30 US$ per 1 item
Regular service fees:	
1. Application form for registration of device	10 US$ per 1 item
2. Formality examination	10 US$ per 1 item
Irregular service fees:	
1. Request for opposition	10 US$ per 1 item
2. Amendment of application	10 US$ per 1 item
3. Assignment or licensing of petty patent rights	40 US$ per 1 item
4. Duplication of petty patent	10 US$ per 1 copy

Article 36: In order to maintain the petty patent, an annual official fee and service fee shall be paid by the owner of device are as following:

2nd year	
- Official fee	15 US$ per 1 item
- Service fee	10 US$ per 1 item
3rd year	
- Official fee	20 US$ per 1 item
- Service fee	15 US$ per 1 item
4th year	
- Official fee	30 US$ per 1 item
- Service fee	20 US$ per 1 item
5th year	

- Official fee	40 US$ per 1 item
- Service fee	25 US$ per 1 item
6th year	
- Official fee	50 US$ per 1 item
- Service fee	30 US$ per 1 item
7th year	
- Official fee	70 US$ per 1 item
- Service fee	35 US$ per 1 item

Article 37: The fees for registration of industrial design are divided into two categories such as official fee and service fee and the details are as following:

Official fee:	
1. Official fee for certificate of industrial design	20 US$ per 1 item
Regular service fees:	
1. Application form for registration of industrial design	10 US$ per 1 item
2. Examination for industrial design	10 US$ per 1 item
Irregular service fees:	
1. Request against registration	10 US$ per 1 item
2. Amendment of application	10 US$ per 1 item
3. Assignment or licensing of right of industrial designs	40 US$ per 1 item
4. Duplication of industrial designs	10 US$ per 1 item

Article 38: In order to maintain the industrial design, an annual official fee and service fee shall be paid by the owner are as following:

2nd year	
- Official fee	10 US$ per 1 item
- Service fee	5 US$ per 1 item
3rd year	
- Official fee	15 US$ per 1 item
- Service fee	8 US$ per 1 item
4th year	
- Official fee	20 US$ per 1 item
- Service fee	11 US$ per 1 item
5th year	
- Official fee	25 US$ per 1 item
- Service fee	11 US$ per 1 item
From 6th – 15th year	
- Official fee	30 US$ per 1 item
- Service fee	20 US$ per 1 item

Article 39: In addition to the official fees for filing application of invention, device or registration of industrial design, the Registry Unit is asked to gather a contribution fund from the owner of patent, petty patent and industrial design for publication of the result of patent granting 40 US$, petty patent granting 30 US$, and industrial design registration 30 US$ per 1 item.

Article 40: The owner of invention, device or industrial design can pay in advance a lump sum of official fees for registration and services for some years or the whole duration of protection.

In case the owner of invention, device or industrial design has residence or carrying out any business in the Lao People's Democratic Republic can settle a fees for filing or registration or services in local currency due to the daily exchange rate of national bank.

SECTION VII
Settlement of dispute arising from Patent, Petty Patent and Industrial Designs.

Article 41: Individual or legal entity, who is the owner of patent, petty patent and industrial design can apply for settlement of dispute relating to the infringement of his or her registered invention, device and industrial design with the Science Technology and Environment Agency.

Article 42: Individual or legal entity, who is the owner of patent, petty patent and industrial design has rights to propose the method of settlement of dispute and claim for damage from other person who infringes the rights of invention, device and industrial design with the appropriate approval by the Science Technology and Environment Agency and other relevant institutions.

Article 43: In case the infringement of patent, petty patent and industrial design cannot be settled by means of mediation between the owner of invention, device and industrial design and defendant, the Science Technology and Environment Agency in coordination with other relevant institutions will issue a memorandum regarding the mediation among the parties that can be used as evidence for submission to the court proceeding for final decision.

SECTION VIII
Final Provisions

Article 44: The department of Intellectual property, Standardization and metrology is entrusted for organizing the drastic implementation of this Regulation.

Article 45: This Regulation shall enter into force on the date of its signature.

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

(Signed)

Bountiem PHISSAMAY