

Lao People's Democratic Republic

DECISION ON INDUSTRIAL DESIGN

Ministry of Science and Technology

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CHAPTER 1 General Provisions

Article 1 Objective

This Decision provides principles and rules regarding the implementation of industrial design related tasks such as registration, post registration procedure, representation, administrative review, and industrial design authority in order to implement the Law on Intellectual Property in relation to industrial design harmoniously throughout the country.

Article 2 Industrial Design

An industrial design is a pattern, a shape, or an external feature of a novel product developed in Lao PDR, or elsewhere in the world, that includes a shape, motif, line, color or an ornamental form used in an object or attached to an object that gives a special appearance.

Article 3 Definitions

Terminologies used in this Decision shall have the following definitions:

- 1. Applicant** refers to an individual, a legal entity, or an organization that submits an application to register, modify, cancel partially or fully, or eliminate an industrial design registration, or it refers to a rightful successor of such an applicant;
- 2. Application** refers to a set of documents used to apply for an industrial design registration, modification, and partial or fully renunciation;
- 3. Opposing party** refers to an individual, a legal entity or an organization that submits an opposition to an industrial design registration;
- 4. Opposition** refers to an opposition filing by a third party, as stipulated in Paragraph 3 of this Article, for an application to register an industrial design that is publicized in an official gazette for industrial property registration;
- 5. Cancellation** refers to a filing to request to cancel a partial or full industrial design registration by its owner or a third party who files a request to cancel partially or fully an industrial design registration as stipulated in Article 44 of the Law on Intellectual Property;
- 6. Elimination** refers to a request filed by a third party to eliminate all aspects of an industrial design registration;

7. **Class** refers to the international classification of an industrial design under the Locarno Classification on registration of industrial design;
8. **Designer** refers to an individual who designs or a group of people who jointly design a product;
9. **Assignment** refers to a partial or full transfer of a right of an industrial design owner to an assignee;
10. **Division of an Application** refers to the division of one application in two or more applications whereby each divided application shall be related to the industrial design indicated in the original application;
11. **Right Holder or Right Owner** refers to an individual, a legal entity, or an organization that has the legal rights to an industrial design, or an assignee, or it refers to a rightful successor of such a person;
12. **Licensing** refers to the agreement of the owner of the rights of an industrial design to grant the exclusive use of its industrial design to another person including an agreement to not undertake any legal actions against the licensee, if the licensee implements the agreement according to the conditions set out therein;
13. **Licensors** refers to an individual, a legal entity or an organization that issues a license to use of an industrial design
14. **Licensee** refers to an individual, a legal entity, or an organization that receives a license from the industrial design rights owner ;
15. **Power of Attorney** refers to a written document whereby a right owner has authorized an individual or a group of people to perform duties on its behalf;
16. **Grantor** refers to an owner of an industrial design who has authorized an individual or a group of people to perform duties on its behalf in submitting an industrial design registration application to or conducting other operations with The Intellectual Property Department;
17. **Representative** refers to an attorney or an agent authorized by the industrial design owner to submit an industrial design registration application or to conduct other operations with the Department of Intellectual Property.

Article 4 Persons Eligible to Industrial Design Protection

Individuals stipulated in Article 26 of the Law on Intellectual Property are entitled to an industrial design protection, a

registration certificate, to renew the registration certificate, request a dispute resolution via an administrative remedy, to file a complaint with the Lao People's Court, and other procedures stipulated in the Law on Intellectual Property and this Decision.

CHAPTER 2 Application for Industrial Design

Article 5 Requirements to Obtain an Industrial Design Certificate

Requirements to obtain an industrial design certificate include the followings:

1. The industrial design must be a novel design that has never been disclosed to the public via a publication journal, or via actual use, or during exhibition, or via other modalities, in Lao PDR or elsewhere in the world before the filing date of the application or a priority date of the registration application.
2. The industrial design must be ornamental to be used in an object or attached to an object that gives a special appearance.

An industrial design ineligible to a registration is stipulated in Article 22 of the Law on Intellectual Property. Besides, a technical feature related to an industrial design such as a material used, a production procedure, or implementation of work operation, shall not be protected as an industrial design.

Article 6 Procedure of Filing an Industrial Design Registration Application

An individual, a legal entity, or an organization is able to submit an application to the Department of Intellectual Property or the Department of Science and Technology of the relevant province or from Vientiane Capital according to the template from the Department of Intellectual Property and shall comply with the following steps:

1. The application to register an industrial design submitted to the Department of Intellectual Property, or the relevant Department of Science and Technology from the provincial/Vientiane Capital shall at least meet the minimum requirements according to Article 32 of the Law on Intellectual Property and Article 8 of this Decision;
2. The Department of Intellectual Property shall receive the application and issue a filling receipt with a reference number and a filing date in the event that the application meets the minimum requirements;
3. In the case an application is submitted to the relevant Department of Science and Technology of a provincial/Vientiane Capital, the said Department shall receive the application and issue an a filing receipt of the application with a filing date and time of the application received, in the event that the application meets the minimum requirements then the said Department of Science and Technology further submits the application to the Department of

Intellectual Property for further processing; afterwards, the Department of Intellectual Property shall issue a filing receipt of the application similar to when the application is directly submitted to the Department of Intellectual Property;

4. The Department of Intellectual Property or the Department of Science and Technology of the relevant provincial/Vientiane Capital shall not accept an application when the said application does not meet the minimum requirements;

5. Where a registration applicant intends to withdraw the application or the application is voided or rejected, the official fee and service fee paid shall not be refunded.

6. In the event that the registration applicant requests a priority date according to the Article 29 of the Law on Intellectual Property where a priority date request period for an industrial design is six months from the day a priority date is received, and where the last day of such a period falls on an official holiday, or a day the Department of Intellectual Property cannot receive an application due to an emergency, the last day will be extended to the next official working day.

Article 7 Industrial Design Registration Application Dossier

An industrial design registration application dossier comprises of the following documents:

1. A registration application form per a template defined by the Department of Intellectual Property;

2. An original power of attorney in the event that the submission is made via a representative;

3. For an applicant who is not the original industrial design creator, a certification letter certifying the holding of the right of the applicant shall be submitted.

4. Where an applicant requests a priority date based on an application previously submitted in Lao PDR or abroad, Paragraph 4 under Article 29 of the Law on Intellectual Property shall be complied with.

5. Drawings, photos, images and models clearly indicating an industrial design with a feature in all angles shall at least show a minimum of 7 different angles including front, back, top, bottom, left, right and overall angles. For an industrial design that comes as a set, there shall be 7 different angles of each component of such a set;

6. Brief description of a product category or a goods related to the

industrial design;

7. A receipt of official fee and service charges;

Article 8 Minimum Requirements to Obtain the Filing Date of Receipt

An industrial design registration application that meets a minimum requirement to receive a filing date of receipt shall include:

1. Name, address, and nationality of the applicant;
2. Drawings, photos, or images that indicate an industrial design clearly in order to demonstrate a feature in all angles of the design;
3. A receipt of official fees and service charges.

Besides, where a submission is done via a representative, there shall be a power of attorney that indicates the name and address of the representative. An application submitted according to the minimum requirement shall include a complete dossier within fifteen days in order in to proceed to the formality examination as the next step.

Article 9 Drawings, Photos or Images

A drawing, a photo or an image shall clearly show the industrial design in order to demonstrate how the use or the feature of such an industrial design are related to each other. A drawing, a photo or an image shall show details in all angles necessary to be able to indicate a feature of such an industrial design.

Where an industrial design is two dimensional, a model may be provided additionally to be able to distinguish different features of such an industrial design where such a model shall not be over 20 x 20 x 20 centimeters.

Where an industrial design is three dimensional, there shall be an accompanying overall image and additional images necessary in order to be able to distinguish features of such an industrial design.

A drawing, a photo, or an image shall not include other articles that are not a component of the industrial design or other components of a product not related to an industrial design.

A drawing, a photo, or an image shall be displayed in a quality and non-glossy paper by showing an industrial design clearly. Lines or motifs shall be clear, bold, and not exceeding 20 x 28 centimeter or not under 14 x 20 in size per item. A registration applicant may provide a drawing, a photo, or an image of an industrial design in an electronic form.

Article 10 Brief Description

A brief description of an industrial design submitted with a registration application shall indicate all components that indicate unique features of the design clearly, indicate a novelty distinct from earlier industrial designs, match the drawing, photo or image submitted with an application dossier, and indicate with which type of product or goods it will be used.

Where an industrial design is ornamental, a description shall indicate the relation between the design and such an object with which it is used or to which it is attached that gives a special appearance.

Where an industrial design is a set of products or goods, a description shall indicate the characteristics of each part of a set of such products or goods clearly.

Article 11 International Classification for Industrial Design

An industrial design registration application shall indicate an international classification for an industrial design.

As International Classification may be updated periodically, an application shall indicate the International Classification for Industrial Design currently used at the time of the application submission.

Where the International Classification is being updated during a review of an application, the Department of Intellectual Property shall inform the applicant to modify the application by indicating the correct classification.

Article 12 Principles on Considering an Industrial Design

Registration Application

The review of the industrial design registration application shall comply with the principles stipulated in Article 28 of the Law on Intellectual Property. Where there are several industrial design registration applications of the same nature or similar nature at the same time, a review should be granted to the industrial design of the same nature or similar nature that has a priority date.

Where the Department of Intellectual Property has completed the review of the application, it shall register such an application with a priority date as well as issuing the letter of refusal to the application that has a later priority date. Where the review of the application with later priority date is completed first and where such an application meets registration requirements, the Department

of Intellectual Property shall suspend its review of such an application until the review of the application with a prior priority date has concluded.

The Department of Intellectual Property will not provide any legal advice or recommendation regarding the possibility of whether such an industrial design is in accordance with the Law on Intellectual Property or this Decision. However, the registration applicant is able to submit its request to search for an industrial design that is in the database of the Department of Intellectual Property to identify whether such an industrial design subject to the search has already been registered or not, by identifying the classification of industrial design that needs to be searched, and by paying the relevant service charge.

The result of the industrial design search is only a search result related to the industrial design in the preliminary database of the Department of Intellectual Property only, but it does not mean that such an industrial design may be registered because there needs to be an additional search in the international database.

Article 13 Formality Examination

After the Department of Intellectual Property has issued a reference number for the industrial design registration application, the Department shall conduct a formality examination regarding the completeness, accuracy, and relevance of the application dossier according to the provisions of Article 32 of the Law on Intellectual Property and Article 5, 6, 7, 9, 10 and 11 of this Decision.

A formality examination shall be conducted within 60 days since the date of an application being received.

Where an application dossier is incomplete, inaccurate or inconsistent per the requirements, the Department shall notify the registration applicant to provide documents or modification to meet such requirements within 60 days since the date of notification.

Where a registration applicant cannot meet such a deadline, the Department of Intellectual Property shall notify in writing to such an applicant that such an application will not be considered and will be deemed voided.

Where an application meets the requirements of Formality Examination, the Department of Intellectual Property shall publicize such an application in the Official Gazette for industrial property registration.

Article 14 Application Division

Any industrial design registration application can be divided in two or more application any time, but it shall be done prior to the issuance of the registration certificate, the final rejection or the cancellation. The registration application that has been divided should be based on the original application submitted initially, and there needs to be a description explaining that such a new application is divided from the original application by identifying the reference number and the filing date of the original application in each new application. As for the original application, there needs to be a modification by keeping the classification of the industrial design type. The divided applications shall be submitted together with the modified original application, according to Article 6 of this Decision.

Each divided application is eligible to receive a filing date according to the original application where each divided application shall be subject to official fees and service charges.

Article 15 Application Publication and Opposition Filing

The Department of Intellectual Property shall publish the industrial design registration application in the official gazette for industrial property registration within fifteen days after completing the formality examination of the application for such an industrial design registration; the publication shall include the following information:

1. Title of the industrial design
2. Illustration(s) of an industrial design;
3. Classification of an industrial design type;
4. Reference number and date of an application submission;
5. Name and address of an applicant.

Where an applicant does not wish to disclose an illustration of an industrial design to the public, at the same time of submitting an industrial design registration application, an applicant can request to postpone the disclosure of the illustration of the industrial design such as the drawing, the photo, the image or the model when there is a publication of an application and a publication of an industrial design registration.

Such a postponement of a disclosure shall not exceed 18 months since the date of an application submission or a priority day (if any) onward and shall be subject to official fee and service charges. A third party may file an opposition against such an application

according to the Article 39 of the Law on Intellectual Property within sixty days since the date of publication via the official gazette for industrial property registration by filing an opposition using the template form from the Department of Intellectual Property, as well as paying the service charge.

The opposition filed against an industrial design registration application shall include the following documents:

1. Opposition form for an industrial design registration application
2. Documents and evidences for the opposition;
3. A service charge receipt;

Article 16 Review of Registration Application Opposition

The review of the opposition to the registration application shall proceed as follows:

1. The Department of Intellectual Property shall notify the industrial design registration applicant who has been opposed in a timely fashion after receiving the opposition;
2. The industrial design registration applicant shall submit a defense statement regarding the opposition with evidences regarding its own industrial design to the Department of Intellectual Property within 60 days as of the notification of the opposition from the Department;
3. The Department of Intellectual Property shall send the defense statement to the opposing party;
4. The Department of Intellectual Property shall review such a defense statement and evidential information;
5. Where evidential information from the opposing party and/or the industrial design registration applicant is incomplete or unclear, the Department of Intellectual Property shall issue a letter to invite the opposing parties and/or the industrial design registration applicant to clarify or to present evidences or additional information;
6. If the industrial design registration applicant or an opponent does not respond to the invitation letter from the Department of Intellectual Property within 60 days since the date of issuance, the Department shall review the opposition according to the existing evidences;
7. The Department of Intellectual Property shall notify the result of a review together with a justification to the industrial design registration applicant and the opposing party;
8. The Department of Intellectual Property shall reject an

industrial design registration application if the Department has reviewed and found that the opposition is justified and has sufficient evidences;

9. The Department of Intellectual Property shall continue to review the industrial design registration application if the Department has reviewed and found that the opposition lacks justification and sufficient evidences;

10. If the parties to the dispute are not satisfied with the result of the decision, the disputed parties can request a final consideration through an administrative procedure to the Department of Intellectual Property in order to appoint a Committee of Final Consideration to issue a decision where such a request shall be submitted within 60 days since the date of a notification from the Department.

Article 17 Substantive Examination

The Department of Intellectual Property shall conduct an examination of contents based on a database at the Department and in the international database according to the stipulation in Article 40 of the Law on Intellectual Property in order to review such an application against the requirements in Article 15 and in accordance with Article 22 of the Law on Intellectual Property.

The Department of Intellectual Property will refuse an industrial design registration application where the application file does not meet the requirements for a registration and the Department shall notify the rationale of the provisional refusal to the industrial design registration applicant.

A design registration applicant has a duty to provide information and documents or an explanation after receiving a provisional refusal notification to the Department of Intellectual Property within 60 days since the date of the issuance of the notification.

The Department of Intellectual Property may request additional information from an industrial design registration applicant as deemed necessary. If a registration applicant does not comply with the timeline of the notification, such an application will not be considered and will be deemed abandoned.

The Department of Intellectual Property may extend the deadline for an additional 30 days from the end date of the first notification, upon sufficient justification.

The Department of Intellectual Property shall refuse the industrial design registration application as a finality and inform the

industrial design registration applicant when it is found that information, documents or the explanation provided do not meet the requirements for registration.

Where a drawing, photo, or an image includes other objects; the Department of Intellectual Property shall notify the industrial design registration applicant in order to allow the applicant to certify that such an object is a part of the industrial design or a separate part. Where the Department has completed the examination and found that a drawing, a photo, or an image in the application file is not related or is not a part of the design submitted for registration, the Department shall inform the industrial design registration applicant to re-submit a drawing, a photo or an image according to the provisions of Article 9 of this Decision.

Where the Department of Intellectual Property has found that a drawing, a photo, or an image has an appearance of an industrial design that is incomprehensible, the Department shall inform the registration applicant to re-submit a drawing, photo or an image that is more comprehensible and clearer.

Article 18 Application Modification

According to Article 42 of the Law on Intellectual Property, during a review, the industrial design registration applicant may modify an application any time; however the modification must be done before the registration, abandonment, and final refusal, or the end of other reviews of such an application according to the provisions in Article 42 of the Law on Intellectual Property without paying the official fee and the service charge where such an application modification does not add more industrial design, a class of a type, or a change of the main feature of the industrial design in the initial application file.

Article 19 Definition of Novelty

To define a novelty of an industrial design, the Department of Intellectual Property shall compare the design in the industrial design registration application with the previous publicized information and information relation to registration in Lao PDR and abroad, as well as other publicly available information.

Where an industrial design under a review is similar to other previously disclosed industrial designs, it will not be considered novel.

Any of the following acts, in any place in the world, will be

considered a disclosure of an industrial design:

1. Being registered.
 2. Being publicized or an industrial design being searchable
 3. Publicized in journals, advertising-marketing materials or other articles
 4. Commercial interest seeking activities from an industrial design or objects used with such a design or attached with such a design
- Besides, a publication of an industrial design in any forms anywhere in the world will also be considered a disclosure of such an industrial design.

Exceptions such as correspondences or information exchanges related to an industrial design will not be considered a disclosure to the public if such correspondences are undertaken within a confidentiality agreement or within a context where there is no intention to disclose such information to the public. The following correspondences will not be considered a disclosure to the public:

1. Under a confidentiality agreement in writing
2. Within an organization or an enterprise of the right holder
3. Within a family, relatives, or appointed acquaintances.
4. To an attorney or a representative
5. To a potential right assignee of such an industrial design that has not been commercially used.

Where the Department of Intellectual Property has a doubt regarding the novelty of an industrial design, it may request the registration applicant to provide an explanation regarding all disclosures and related correspondences.

Article 20 Assessment of Ornamental and Technical Features

An industrial design shall be ornamental in a way that will enable the object that is used with an industrial design or include an industrial design has a special appearance. Requirements to be ornamental shall be assessed on the basis of an overall external feature of an industrial design by considering a shape, lines, colors or other components that become an overall external feature of an industrial design. Even though an object has an outstanding external feature, it may not be ornamental if such an external feature exhibits a technical characteristic of an invention. Where an industrial design exhibits such characteristic, it will be rejected for registration according to Article 22, Paragraph 1 of the Law on Intellectual Property.

Article 21 Industrial Design Registration and Registration Record

The Department of Intellectual Property shall register an industrial design, create a record in a register book and in its database when an application file meets the requirements for registration of the Law on Intellectual Property and this Decision.

The Department of Intellectual Property shall also conduct the same procedure where there is an opposition and that such an opposition request has been processed, or reviewed during the consideration stage whereas such an opposition or the review at the final stage has no incidence on the registration.

Article 22 Publication of Registration Results

After having registered an industrial design, the Department of Intellectual Property shall publish the result of such a registration within 15 days on an official gazette for industrial property registration, according to Article 44 of the Law on Intellectual Property.

The industrial design registration applicant may request the department to re-publish the result of a registration with the modified information without paying a service charge where the applicant has found that there is an error in the publication, and that such a request is submitted within 60 days from the first day of the publication.

CHAPTER 3 Post Industrial Design Registration Procedures

Article 23 Amendment of Information after the Industrial Design Registration

The industrial design owner may submit a request at the Department of Intellectual Property in order to modify information related to the name or the address or the name and address of the industrial design owner by using the template from the Department of Intellectual Property, as well as paying the service charge. The Department of Intellectual Property shall record all changes in the database and the register book then publish in the official gazette for industrial property registration.

Article 24 Requesting a Copy of an Industrial Design Registration Certificate

An industrial design owner may request a copy of an industrial design registration certificate to be used as an evidence in a judicial proceeding before the Lao People's Court and for an industrial design registration abroad and to be used as a substitute to a registration certificate or for a renewal of a certificate that has been damaged or lost.

The industrial design owner must submit the form and pay the service charge to the Department of Intellectual Property.

Article 25 Amendment after the Industrial Design Registration

After the industrial design has been registered, an industrial design owner may submit a request to modify partial information in the documents related to the registration. As for the modification of some errors in the registration application file due to the applicant by filing a request according to the template form from the Department of Intellectual Property as well as paying the service charge, the Department of Intellectual Property may allow for a minor modification only. The Department of Intellectual Property shall publish the information related to such a modification on the official gazette for industrial property registration.

Article 26 Cancellation or Elimination of an Industrial Design Registration

A third party has the right to submit a cancellation or elimination request of an industrial design registration within five years as of

the registration date in the publication in an official gazette for an industrial property registration, according to Article 44 of the Law on Intellectual Property. A request to cancel or eliminate an industrial design registration shall follow the template form from the Department of Intellectual Property, as well as paying a service charge.

The Department of Intellectual Property shall notify an industrial design owner when receiving the renunciation request from a third party.

An industrial design owner is able to submit an explanation within 60 days from the issuance date of the notification from the Department to the industrial design owner.

The Department shall issue the cancellation or an elimination letter of such an industrial design and inform the industrial design owner where an industrial design owner has not provided any explanation, which will be considered that the industrial design owner has consented to such a cancellation or elimination of their industrial design registration.

The Department shall cancel or eliminate the industrial design registration where a third party has filed a complaint with the Lao People's Court and that the Court's judgement has been passed to cancel or eliminate such an industrial design registration according to the provisions of Article 139 in the Law on Intellectual Property.

The Department shall notify the result of a cancellation of such to the industrial design owner or the individual who has requested for such renunciation.

The Department shall make a record in the database and publicize such renunciation in the official gazette for an industrial property registration.

Article 27 Term of Protection

The industrial design has a period of protection of 15 years since the date of the application.

In order to sustain the period of the protection, the industrial design owner shall pay the official fee and service charges in advance for each 5-year interval.

Article 28 Maintenance of the Period of Protection

A registered industrial design has an initial period of protection of five years. In order to maintain such a protection, an industrial

design owner may request an extension of protection two times, each time with a five-year interval, by submitting a request to extend the period of protection according to the template form from the Department of Intellectual Property as well as paying the official fees and service charges.

Before each expiration date, an industrial design owner may pay official fees and service charges in order to maintain the period of protection within six months where the Intellectual Property Department will not issue a notification to the design owner in order to pay the official fees and service charges. The Department will notify the owner only when an industrial design has expired due to unpaid official fee and service charge for sustaining the protection period. Where an industrial design owner has not paid official fees and service charges according to the deadline, the Department of Intellectual Property may extend the payment period to an additional six months starting from an expiration date of the period of protection, but a fine will be imposed to such a delayed payment.

Article 29 Transfer of Rights and the Record of Transfer of Rights

The industrial design owner may transfer its rights partially or entirely through a contract, an inheritance, or as a gift.

Where there is a transfer of an industrial design right that has been registered, the assignor or the assignee of such a right shall notify the transfer of such a right to the Department of Intellectual Property according to the template form from the Department, as well as paying the service charge. The Department shall make a record of a transfer of right in its database and a register then publicize in the official gazette for an industrial property registration and issue a certificate of assignment to the assignee. If the assignee is the person who notifies the transfer, such a person shall send a copy of such a document to the assignor. Where there is a transfer of ownership of a legal entity or an organization related to the industrial design, it is required to comply with the provisions regarding the transfer of ownership. Unless otherwise indicated, the transfer of such an ownership of a legal entity or an organization is considered a transfer of a total right of such an industrial design of such a legal entity or organization.

Where there is a need for clarification or a doubt, the Department of Intellectual Property may notify the person, the legal entity or

the organization that notifies an assignment to provide additional information and documents.

An assignment will not take effects against the parties unless the parties have notified a transfer of such a right and such a right has been registered with the Department of Intellectual Property.

Article 30 Authorization to Use [the Industrial Design]

An industrial design right owner may authorize other individuals to use its industrial design for commercial purposes, partially or totally, which can be done by entering into an agreement whereas this shall not be considered as a transfer of right regarding the industrial design, according to the stipulation in Article 47 of the Law on Intellectual Property.

Where there is an ownership transfer of a legal entity that has received a license to use such an industrial design, such a license is considered transferred altogether with the transfer of ownership of a legal entity unless otherwise indicated in the license agreement or document of a transfer of ownership.

Where there is a transfer of ownership of a legal entity that has received an authorization to use such an industrial design, the authorization to use an industrial design issued to other individuals will not be void unless otherwise indicated in the agreement.

CHAPTER 4 Representation for Industrial Design Registration and Other Procedures

Article 31 Persons Eligible for Industrial Design Registration and Other Procedures

Individuals eligible to represent those who are eligible for protection according to Article 26 of the Law on Intellectual Property for industrial design registration and other operations shall meet the following criteria:

1. In the event that there is a single application with multiple joint owners, a person amongst the joint owners must be appointed as the representative to file the application;
2. An attorney-at-law who is licensed to engage in legal activities in Lao PDR;
3. An intellectual property agent;
4. A representative or a staff member of a legal entity or an organization;
5. Any individual hired by a registration applicant.

An industrial design registration applicant who is a foreign citizen shall submit an industrial design registration application through an intellectual property professional or an attorney licensed to engage in legal matters in Lao PDR. Individuals who are eligible to be a representative shall be proficient in intellectual property, have an address in Lao PDR, and be authorized by the Department of Intellectual Property.

Article 32 Appointment of a Representative

A representative is an individual that has been appointed according to a power of attorney with the signature of an industrial design registration applicant, or a grantor.

In the case there are many joint applicants for an industrial design registration application, a power of attorney should include signatures of everyone, except those who are deceased.

In accordance with Article 33 of this Decision and other provisions in this Chapter, an industrial design registration applicant is able to appoint multiple representatives where all representatives have the same address.

Article 33 Power of Attorney

A Power of Attorney is a legal document to appoint an individual or individuals to act on one's behalf.

A power of attorney shall include the followings:

1. Requirements and scope of representation;
2. Power that has been assigned to conduct a procedure with the Department of Intellectual Property
3. Duration (if any);
4. The grantor may terminate any time without affecting the rights of a representative to receive a compensation for services and incurred costs during the interactions with the Department of Intellectual Property.

The Department of Intellectual Property shall acknowledge the requirements specified in the power of attorney, except if the requirements of the power of attorney are not compliant with the laws or regulations.

The Department of Intellectual Property will consider that one power of attorney applies specifically to one application only. Where a power of attorney does not indicate scope and period of authorization of a representation or other related operations, the validity of the power of attorney will be considered expired when the proceedings related to the application, or other procedures, have been completed.

The power of attorney must be made in writing and include the signature of the grantor(s). In the event that the person issuing the power of attorney is a legal entity or an organization, the power of attorney must have the signature of the authorized person of the legal entity or of the organization.

Article 34 Termination of Representation

The representation will end in the event that the power of attorney is canceled by the grantor or the representative withdraws itself from being the representative. In the event that the representative withdraws itself from being the representative, the Department of Intellectual Property and the grantor must be notified.

CHAPTER 5 Administrative Review and Administration Dispute Resolution related to Industrial Design Registration

Article 35 Review

The Department of Intellectual Property has the right to conduct a review of an industrial design registration by conducting an administrative procedure as necessary in order to prevent and correct errors.

Article 36 Administrative Review

An individual, a legal entity, or an organization may propose to the Department of Intellectual Property to reconsider the industrial design registration procedure that contains error or that does not comply with the requirements of the law and regulations within ninety days from the date of the notification from the Department, according to the following circumstances:

1. Request to correct any errors caused by the Department of Intellectual Property without paying any official fees or service charges;
2. Request to correct any errors due to the industrial design registration applicant by paying official fee and service charges;
3. Request to reconsider one of the following:
 - 3.1. Requirements or a decision requiring review;
 - 3.2. Facts and legal basis;
 - 3.3. A measure proposed to the Department of Intellectual Property to consider.

A request can also include requests for clarifications or explanations that will support the request for reconsideration, or for the final administration consideration, which may be considered without charges.

Article 37 Request for a Temporary Suspension

A request for an administrative review per Article 36 of this Decision may also include a request to temporarily suspend the reviewing process by the Department of Intellectual Property which is subject to reconsideration or subject to the final administration consideration in an administrative procedure to seek fairness by considering the interests of the third party.

Article 38 Reconsideration

The Department of Intellectual Property shall receive a request to

reconsider for an industrial design registration where a person asking for reconsideration shall have sufficient reasons for such a reconsideration request and that he or she has found an inconsistency with this Decision.

Where a proponent is not satisfied with the reconsideration result, the proposer may request a final administration reconsideration from the Committee of Final Consideration of the Department of Intellectual Property within 30 days starting from the date of a notification from the Department of Intellectual Property relating to the reconsideration result. If the proposer does not take action within such a timeline, this will be deemed as an abandonment of rights.

Article 39 Final Administration Consideration Procedure

An individual, a legal entity, or an organization who seeks with the Department of Intellectual Property the industrial design registration has the right to request a final administration consideration from the Committee of Final Consideration by with paying a service fee.

Technical officers in the Department of Intellectual Property involved in an approval, verification, refusal, or consideration that has led to a request for a final administration consideration procedure shall provide a clarification related to legal principles and facts used in the consideration, in order to provide information to the Committee of Final Consideration.

The Committee of Final Consideration may invite experts to provide recommendations. The Committee of Final Consideration shall conduct the final consideration procedure according to this Article and shall make a memorandum of its decision in writing by identifying the related legal principles and facts. Such a memorandum of a decision shall be sent to the person that triggered the final consideration procedure. Such a final consideration in an administrative procedure shall be void when the proposer is unable to provide necessary information according to the Paragraph 3 under Article 36 of this Decision.

The Committee of Final Consideration shall send a request file for a final adjudication in an administrative procedure and a memorandum of a decision to the Department of Intellectual Property in order to issue a notification of a result of a decision made by the Committee of Final Consideration to the related parties which will be considered a finality of an administrative adjudication procedure.

Article 40 Committee of Final Consideration

The Department of Intellectual Property shall appoint a Committee of Final Consideration in order to conduct a final consideration through an administrative procedure regarding the approval, verification, refusal, or a result of a decision related to an industrial design registration procedure.

CHAPTER 6 Creation of Duplicates

Article 41 Copy of Damaged or Lost Document

In the event that a copy of a document or other documents, which relate to industrial design registration, are damaged or lost, the Department of Intellectual Property must create a duplicate of said documents.

Article 42 Duplication of Documentation

The Department of Intellectual Property shall duplicate a dossier or other documents that have been damaged or lost. If such a dossier or other documents related to an application or other procedures have been damaged or lost, the Department shall propose to the applicant or the owner of a dossier to send a copy of relevant documents or records of correspondences with the Department of Intellectual Property as well as verifying the accuracy and completeness of such copies including the documents or dossier related to a correspondence with the Department of Intellectual Property that have not been recorded but that industrial design registration applicant or a dossier owner is aware of.

CHAPTER 7 Industrial Design Organization

Article 43 Supervisory Agency

The Department of Intellectual Property of the Ministry of Science and Technology is responsible for reviewing industrial design registration applications and issuing industrial design registration certificates according to the requirements stipulated in the Law on Intellectual Property and this Decision.

The Provincial/Vientiane Capital Department of Science and Technology is responsible for providing services related to receiving an industrial design registration application according to the assignment of the Department of Intellectual Property.

The District, Municipality, and City Offices of Science and Technology perform based on the assignment from the Provincial/Vientiane Capital Department of Science and Technology

Article 44 Rights and Duties of the Department of Intellectual Property

The Department of Intellectual Property has the following rights and duties:

1. Publish the decisions, issue recommendations, and issue notifications related to industrial designs
2. Research and propose to the Ministry legislation and regulations for the administration and protection of industrial designs
3. Receive and consider applications for registration, renewal, and records of change of name or address. Authorization of use, transfer of rights or other proposals related to industrial designs
4. Record and retain industrial design information;
5. Provide industrial design search services from the database of the Department of Intellectual Property;
6. Register, refuse, cancel or eliminate, and others, which are related to industrial design registration;
7. Research and consider requests for opposition to applications for industrial design registration;
8. Research and consider requests for administrative review in relation to industrial design registration;
9. Research and consider requests for appeal in relation to industrial design registration;
10. Encourage and promote operations about the registration of industrial designs
11. Implement other rights and obligations as assigned by the

Ministry of Science and Technology

Article 45 Rights and Obligations of the Department of Science and Technology, at the Provincial and Vientiane Capital Level

The Provincial/Vientiane Capital Department of Science and Technology have the following rights and duties:

1. Receive and verify the accuracy and completeness of applications for industrial design registration, in accordance with the minimum requirements;
2. Submit applications, official fees and service fees to the Department of Intellectual Property for further processing.
3. Assign responsibilities to the Office of Science and Technology at the district, municipal, and city levels, as appropriate; and
4. Encourage and promote industrial design registration undertakings;
5. Exercise other rights and perform other duties per assignments from the Department of Intellectual Property.

CHAPTER 8 Final Provisions

Article 46 Implementation

The Department of Intellectual Property, the Provincial/Vientiane Capital Department of Science and Technology, and Offices of Science and Technology in district, municipality, and city levels are assigned to strictly implement this Decision.

Article 47 Effectiveness

This Decision enters into force on a date of signature and after 15 days after the publication in the Official Gazette.

This Decision replaces The Ministry of Science and Technology's Decision on the implementation of the Law on Intellectual Property relating to Industrial Design No. 755/MoST, dated September 20, 2012. Any provisions and decisions contrary to this Decision are void.