

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Decision on Trademarks and Trade Names

No. 2822/MOST Vientiane capital, dated 17 December 2019

- Pursuant to the Law on Intellectual Property (Amended) No. 38/NA, dated 15 November 2017;
- Pursuant to the Decree of the Prime Minister on the establishment and operation of the Ministry of Science and Technology No. 314/PM, 29 September 2017;
- Pursuant to the proposal of the Department of Intellectual Property No.1616/MOST.DIP, dated 31 December 2018.

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PART 1 General Provisions

Article 1: Objectives

This decision determines the principles and regulations relating to the implementation of Trademark and Trade Name activities, such as registration, post-registration actions, representation, administrative review, and supervisory agencies for Trademarks and Trade Names in order to implement the Law on Intellectual Property relating to Trademarks and Trade Names uniformly nationwide.

Article 2: Trademarks and Trade Names

A Trademark is a symbol or a combination of symbols used with the goods or services in order to distinguish the goods or services of individuals, legal entities, and organizations from the symbols of others.

A Trade Name is the name of an enterprise, which is used for the business activities. A Trade Name may or may not be part of a Trademark; it will, however, be granted protection even if not registered.

Article 3: Definitions

Terms used in this law shall have the following meanings:

1. Applicant means an individual, legal entity, or organization who has applied for a Trademark registration, amendment, or partial or total cancellation of a Trademark registration, or the successor of such person;
2. Application means the document submitted to apply for a Trademark registration, amendment, or partial or total cancellation of a Trademark registration;
3. Opposing party means an individual, legal entity, or organization who opposes an application for Trademark registration;
4. Opposition means a third party, as identified in clause 3 above, who has filed an opposition to an application for Trademark registration published in the Official Gazette of Registration of Industrial Property;
5. Cancellation means the filing of a partial or total Trademark cancellation request by an owner or a third party, who submits a partial or total cancellation request of Trademark registration as defined in Article 44 of the Law on Intellectual Property;
6. Elimination means the filing of an elimination request by a third party seeking to eliminate all aspects of a Trademark registration;

7. Class means the international classification of goods and services under the Nice Agreement on the registration of Marks;
8. Division of an application means that the applicant has divided the original application in two or more applications, which are related to the same Trademark contained in the original application;
9. Rights holder or rights owner means an individual, legal entity, or organization who is granted rights by law towards the Trademark or Trade Name, or its authorized person, or the successor of such person;
10. Licensor means an individual, legal entity, or organization who issues a license to use a Trademark or a Trade Name;
11. Licensee means an individual, legal entity, and organization who has been granted the rights to use a Trademark or Trade Name from the rights holder;
12. Power of Attorney means a written document in which the rights owner authorizes one or several persons to act on his/her behalf;
13. Grantor means the owner of the mark who grants his/her rights to one or several persons to act on his/her behalf to submit an application for registration, or for other actions with the Department of Intellectual Property;
14. Representative means an attorney-at-law, or a representative authorized by the mark owner, to file an application for Trademark registration, or to perform other proceedings with the Department of Intellectual Property.

Article 4: Persons eligible to receive Trademark and Trade Name protection

An individual, legal entity or organization, as defined in Article 26 of the Law on Intellectual Property, is entitled to protection, to apply for registration, to obtain a registration certificate and renewal of a registration certificate, to proceed with administrative remedies, to file a complaint with the Lao People's Court, and/or to perform other acts as stipulated in the Law on Intellectual Property or this Decision.

PART 2 Trademark Registration

Article 5: Types of marks

There are four types of marks, as follows:

1. A Trademark is a symbol or a combination of symbols used to distinguish the goods of individuals, legal entities, or organizations from the symbols of others. Symbols may be words, including invented words, signatures, names, figures, shape elements, outlines, photographs, three-dimensional pictures, animated images or packaging of goods, or a combination of colors or symbols;
2. A Service Mark is a symbol or a combination of symbols used to distinguish the services of individuals, legal entities, or organizations from the symbols of others, which are the same as those specified in clause 1 of this Article.
3. A Certification Mark is a mark established by a legal entity or organization that can be used to guarantee a standard or characteristic to certify said goods or service. The mark can be used by a third party in order to indicate the origin, raw materials, method of production of the product, method to provide the service that meets the quality standards, safety, cleanliness, which is produced by a person who has expertise in a certain area.
4. A Collective Mark is a mark that is endorsed by collective organizations, for example: associations, unions, other social organizations, cooperatives, chambers of commerce and industry, or other collective organizations. A Collective Mark is a Trademark that only a member of the organization can use to indicate that its goods or services are different from the goods of another party.

Article 6: Marks eligible to receive a Trademark Registration Certificate

Marks that are eligible to receive a Trademark Registration Certificate shall fulfill the requirements specified in Article 16 and not be in conflict with Article 23 of the Law on Intellectual Property.

Article 7: Procedures for filing an application

A person who is entitled to protection, as prescribed in the Article 4 of this Decision, can file an application with the Department of Intellectual Property, or with the Department of Science and Technology in their province or in the capital, using the

application form of the Department of Intellectual Property, and shall follow the following procedures:

1. A Trademark application submitted to the Department of Intellectual Property or the Department of Science and Technology in a province or the capital must meet the minimum requirements as specified in the Article 33 of the Law on Intellectual Property, and Article 7 of this Decision.
2. The Department of Intellectual Property must receive the application and issue a receipt indicating the reference number and filing date, provided that the application meets the minimum requirements.
3. In the event that the application is submitted to the Department of Science and Technology in a province or the capital, the Department must receive the application and issue a receipt indicating the reference number and filing date, provided that the application meets the minimum requirements. The responsible Department of Science and Technology will then forward it to the Department of Intellectual Property for further processing. Subsequently, the responsible Department of Science and Technology will issue a receipt for the application, the same as for an application filed directly with the Department of Intellectual Property.
4. The Department of Intellectual Property or the Department of Science and Technology in a province or the capital will not accept an application in the event that the application does not meet the minimum requirements.
5. In the event that the applicant intends to withdraw the application, or if the application is abandoned, or if the application is rejected, there will be no refund of the fees and services charges paid.
6. In the event that the applicant requests a priority date, as provided in the Article 29 of the Law on Intellectual Property, the priority period for the Trademark is six (6) months, as from the date the priority is sought. In the event that the last day of such period is a holiday, or a day when the Department of Intellectual Property will not receive the application, the Department shall extend the period until the first business day.

Article 8: Documentation for Trademark registration

The documentation for Trademark registration is comprised of the following documents:

1. Application form, as provided by the Department of Intellectual Property;
2. Power of Attorney, in the event that an authorized representative is to file the application;
3. Drawings, photographs, pictures or samples of the mark to be registered;
4. A list of the goods or services, including the list of goods or services that will be used with the mark. In the event that the application is a Collective Mark or a Certification Mark, that mark should be included in the application, as well in an explanation for its use;
5. Receipts of the official fees and service charges paid.

Article 9: Minimum requirements to receive a filing date

The application for Trademark registration that meets the minimum requirements to receive a filing date must include the name, address, nationality of the applicant, drawings, and photographs or pictures or a sample of the mark to be registered. In addition, in the event that the application is filed through a representative, it is required to submit the Power of Attorney indicating the name and address of the representative, and the explanation of the goods or services, along with a list of the goods or services that will be used with the mark, as well as receipts of fees and service charges paid.

In the event that the application does not include a list of the goods or services requesting protection under the Trademark, the Department of Intellectual Property must request that the applicant indicate the goods or services. In the event that the application indicates the class of the goods or services, which is more than one class, the applicant is required to pay the fees for each class.

Article 10: Requirements regarding the sample of the mark

The application for Trademark registration must include a sample of the mark to be registered. In the event that the mark is a drawing, a photograph or a picture, it must be detailed and clear, and the sample of the mark must display one mark only, and it must contain no components other than the Trademark to be registered such as product information, the origin of the product, certification mark (FDA, Lao National Standard, ISO), and other information contained in the product label.

In case the sample of the mark does not have a stylized design, a

size or a specific font color, the sample of the mark must be in the standard text format with the name of the font used for the mark. In case the color(s) is the main characteristic of the mark, the color or color code must be clearly specified.

In case the mark is three-dimensional, each dimension must be displayed and indicated as a three-dimensional mark.

In case of an animated mark, explanation of the meaning of the mark must be filed. The Trademark applicant must provide a sample of the mark on paper, displaying the details of each movement. The applicant must specify the mark as an animated mark.

In case the mark is a drawing or a photograph or picture or a three-dimension picture, it must be printed on quality matte paper, not shiny, and clearly display the mark. Lines or strings must be clear, sharp, and of a size between 4 x 4 cm and 6 x 6 cm. The applicant may provide samples of the mark in electronic form.

If the submitted sample of the mark does not meet the requirements specified in this Article, the Department of Intellectual Property must notify the applicant to amend, and resubmit the amended sample to the Department of Intellectual Property within 15 days from the date that the notification from the Department of Intellectual Property was issued.

Each amendment of the mark must not change the original main characteristics of the Trademark.

Article 11: List of goods or services

The applicant must identify the list of goods or services associated with the mark that the applicant will use, or which will be used in good faith, and classify the list of goods or services in accordance with the relevant class. The identification of the list of goods or services, such as all goods, all services, or all other goods, all other services, stating only the code of the class, the class heading of the goods or the services is not possible.

The identification of goods or services, or both, must be in accordance with the international classification or Article 11 of this Decision. If it is not possible to identify the goods or services, or both, the applicant must provide complete information so that the Department of Intellectual Property can identify the class of the goods or services, or both.

Article 12: International classification of goods and services

An application for Trademark registration must specify the class in

accordance with the international classification for goods or services.

An application for Collective Mark registration must specify the class in accordance with the international classification for goods or services that will use the Collective Mark.

An application for Certification Mark registration must specify the class in accordance with the international classification for the list of goods or services that guarantee the mark.

As the international classification changes from time to time, the application must indicate the class of goods or services, in accordance with the international classification currently in use at the time of filing.

In the event that the international classification is amended during the application process, the Department must inform the applicant for Trademark registration to amend the class to be the correct one. If the amendment of the international classification causes additional classes, the applicant will not have to pay additional official fees for the additional classes. However, it will be required to pay the additional official fee for each class of goods or services at the time of the renewal of the protection of said mark.

The Trademark registration will protect only the list of goods or services specified in the class of the application submitted, but does not include any other goods or services in the same class that are not listed in the application. With regard to Trademarks registered prior to the issuance of this Decision, in which it is specified "all goods or services of the class" in the Trademark Registration Certificate, it will remain in effect until the expiration. However, at the time of the extension of the Trademark protection, it will be required to specify the list of goods or services to be in the correct class, or else the Department of Intellectual Property will refuse to extend the Trademark's protection.

Article 13: Principles for considering an application for Trademark registration

The consideration of an application for Trademark registration must follow the principles specified in Article 28 of the Law on Intellectual Property. In the event that multiple applications are submitted at the same time, which relate to the same or a similar mark for the same or similar goods, the application with priority

date will be considered first. In the event that the Department of Intellectual Property has completed its consideration according to the procedure, it will register the application that has received the priority date first, as well as issuing a letter of refusal for the application that has received a later priority date. In the case that consideration of an application, which has received a later priority date is completed first, and that the application meets the requirements for being registered, the Department of Intellectual Property will suspend the consideration of that application until the consideration of the application that received the first priority date is completed.

In the event that an application for Trademark registration contains the same or similar mark as a well-known mark, or a geographical indication, such application is eligible for consideration but must have a priority date before the registration of that well-known mark or geographical indication in Laos, or in any other country. The Department of Intellectual Property does not provide legal advice or any guidance on the possibility that the Trademark complies with the Law on Intellectual Property or this Decision. However, an applicant may file a Trademark search request with the Department of Intellectual Property to find out whether or not a Trademark has been registered in the database of the Department of Intellectual Property, by specifying the class of the goods or services to be searched and paying the service fee.

In case the Trademark to be searched is in a foreign language other than English, an explanation and pronunciation methods must be provided in the Lao or English.

The results of a Trademark search are only a preliminary search for information about Trademarks listed in the database of the Department of Intellectual Property.

Article 14: Formality examination

After the Department of Intellectual Property has issued a filing number for an application for Trademark registration, the Department will conduct a formality examination of the completeness, accuracy and compliance of the application, as specified in Article 33 of the Law on Intellectual Property, and Articles 5, 7, 9, 10 and 11 of this Decision. The formality examination must be carried out within 60 days, as of the date that the application is received.

For an application for registration of a Certification Mark or Collective Mark, it is still required to examine the completeness,

accuracy, and compliance in accordance with the requirements specified in Sections 3 or 4, Article 5 of this Decision.

In case the application is incomplete or incorrect or not in compliance with the requirements specified, the Department must notify the applicant to provide documents, or amend in accordance with the requirements within 60 days, as of the date of notification.

In the event that the applicant fails to act within the time limit, the Department of Intellectual Property must notify the parties in writing that the application will not be considered and will be abandoned.

In the event that the application is in compliance with the requirements of the formality examination, the Department of Intellectual Property will publish the application in the Official Gazette on the Registration of Industrial Property.

Article 15: Division of an application

An application can be divided into two or several applications at any time; however, must be performed before the issuance of the Trademark Registration Certificate, or refusal, or cancellation. The filing of a divisional application must refer to the original application submitted, and explain that the new application is divided from the original application by specifying the filing number and the filing date of the original application for each new application. The original application must be revised by retaining only the list, or the class of goods, or the class of services. The divisional applications must be submitted with the original revised application, as stipulated in Article 7 of this Decision.

Each divisional application is eligible to receive a filing date same as the original application, in which each divisional application is required to pay fees and service charges.

Article 16: Publication of applications

The Department of Intellectual Property must publish the application in the Official Gazette of Registration of Industrial Property within 15 days after the formality examination of the application of the Trademark registration is completed. The publication must contain the following information:

1. The Trademark;
2. The class of goods and/or services;
3. The filing number and the filing date of the application;

4. The name and address of the applicant;
5. Any disclaimer of protection.

Third parties can submit an opposition to the application, as set forth in Article 39 of the Law on Intellectual Property, within 60 days, as of the date of publication in the Official Gazette of Registration of Industrial Property, by preparing an application for opposition, as provided by the Department of Intellectual Property. The application for opposition of a Trademark registration must include the following documents:

1. The application form for opposition of a Trademark registration;
2. The documents and evidence clarifying the opposition;
3. The fee service receipt.

Article 17: Consideration of an opposition application

Consideration of an application for opposition will proceed as follows:

1. The Department of Intellectual Property must formally notify the applicant of the Trademark registration, after receiving the application for opposition;
2. The applicant of the Trademark registration must submit a statement, along with evidence(s) about its own mark, to the Department of Intellectual Property within 60 days, as of the date of the notification regarding the opposition;
3. The Department of Intellectual Property must send a copy of the statement to the party opposing for their information;
4. The Department of Intellectual Property will consider the statement and the evidence;
5. In case the evidence of the opposing party and/or the applicant of the Trademark registration is incomplete or unclear, the Department of Intellectual Property will issue a letter to invite the parties to clarify discrepancies or provide additional evidence or information;
6. If the applicant of the Trademark registration or the opposing party do not comply with the invitation letter of the Department of Intellectual Property within 60 days from the date of issuance of the invitation letter, the Department will consider the opposition based on the evidence available;
7. The Department of Intellectual Property must notify the results of the consideration, along with the reasons, to the applicant of the Trademark registration and the opposing party;
8. The Department of Intellectual Property will reject an

application for Trademark registration, if the Department of Intellectual Property considers that the opposition has reasons or evidence that are sufficient;

9. The Department of Intellectual Property will pursue the consideration of the application for Trademark registration in the event that the Department of Intellectual Property considers that the opposition is not reasonable and that there is not enough evidence;

10. If the parties are not satisfied with the results of the consideration, they are able to propose final administration remedies to the Committee of Final Consideration within 60 days from the date of the issuance of the notification by the Department of Intellectual Property.

Article 18: Substantive examination

The Department of Intellectual Property must conduct a substantive examination based on the Department of Intellectual Property's and the international databases, as defined in Article 40 of the Law on Intellectual Property, in order to consider whether an application is in compliance with the requirements stipulated in Articles 16 and 23 of the Law on Intellectual Property and Article 12 of this Decision.

The Department of Intellectual Property will refuse an application for Trademark registration in the event that the application does not comply with the requirements for the registration, and will notify the reason for the initial refusal to the applicant of the Trademark registration.

The applicant of the Trademark registration has a duty to provide information, documents or clarifications, after receiving the initial refusal, to the Department of Intellectual Property within 60 days as of the date of issuance of the notification.

The Department of Intellectual Property can request additional information from the applicant of the Trademark registration when required. If the applicant of the Trademark registration does not comply with the notification deadline, the application will not be considered further and will be considered abandoned.

The Department of Intellectual Property can extend the deadline for another 30 days, as of the termination of the first notification, if there is sufficient reason.

The Department of Intellectual Property will reject an application and notify the applicant of the Trademark registration when the

information, documents or clarifications provided do not comply with the requirements of registration.

Article 19: Disclaimer

In case the mark requesting protection consists of descriptive words or general terms, for example, describing the qualities or attributes of the goods or services, the Department of Intellectual Property must notify the applicant of the Trademark registration that such terms cannot be claimed so as to not deprive other manufacturers or providers from using the same terms for goods or services indicating the same qualities or attributes.

In case the mark consists of descriptive words or general terms, the Department will request that the applicant clarify whether or not such terms are part of the mark. If a term is a part of the mark, the Department must notify the applicant of the Trademark registration to modify the mark by removing such term.

Article 20: Amendment of the type of the mark

According to Article 42 of the Law on Intellectual Property and Article 21 of this Decision, any type of mark specified in an initial application for Trademark registration, as submitted, can be amended to be a Trademark, Collective Mark or Certification Mark.

In the event that the mark has been amended to be a Collective Mark or a Certification Mark, the applicant of the Trademark registration is required to submit a new application, along with the relevant documents.

Article 21: Amendment of applications

During the examination period, the applicant of the Trademark registration can amend the application at any time, provided that such amendment is performed before the registration of the mark, final refusal, or at the end of other considerations of said application, as stipulated in Article 42 of the Law on Intellectual Property, without having to pay official fees and service fees. The amendment must not add a list, a class of goods, or a service, or make any changes to the original characteristics of the mark in the application.

Article 22: Adding a class of goods or services

The applicant for Trademark registration can add a class of goods or services; however, official fees for each class of goods or services

must be paid, according to the following cases:

1. Before the registration of a Trademark currently in the process of examination for Trademark registration;
2. After the registration of the Trademark.

The request to add a class of goods or services is required to be submitted according to the application procedure of the Department by specifying the class and list of goods or services to be added on the respective application form.

For a request to add a class of goods or services after the registration of a Trademark, the applicant of the Trademark registration must submit a new application, according to the application form of the Department and pay any official fees and service fees.

Article 23: Trademark registration

The Department of Intellectual Property must register Trademarks, record relevant information in the Registry and in the database of the Department of Intellectual Property, when an application complies with the registration requirements, as stipulated in the Law on Intellectual Property and this Decision. The trademark registration is also complete when an application has passed the opposition process, or the final consideration, however, the opposition, or the final consideration, is not effective.

Article 24: Publication of Trademark registration

After the registration of a Trademark, the Department of Intellectual Property must publish the Trademark registration in the Official Gazette of Registration of Industrial Property, as stipulated in Article 44 of the Law on Intellectual Property.

In the event that the publication contains errors, and it is within 60 days of the first publication, the applicant of the Trademark registration can propose to the Department to republish the registration, along with the updated information, without having to pay service fees.

PART 3 Procedures after Trademark Registration

Article 25: Amendment of information after the registration of a Trademark

A Trademark owner can file a request to change the information relating to the name, address, or name and address of the Trademark owner by submitting an application form provided by the Department of Intellectual Property to the Department of Intellectual Property and paying the service fee.

The Department of Intellectual Property must record all changes in the database, record the registration, and publish the changes in the Official Gazette of Registration of Industrial Property.

Article 26: Requesting a copy of a Trademark Registration Certificate

A Trademark owner can request a copy of the Trademark Registration Certificate to use as evidence in court proceedings at the Lao People's Court, for Trademark registration in foreign countries and for use as a substitute of the Trademark Registration Certificate, or for the renewal, which has been damaged or lost. The Trademark owner, who has been granted registration with the Department of Intellectual Property, must submit an application form to the Department of Intellectual Property and pay the service fee.

Article 27: Amendment after Trademark registration

After the Trademark has been registered, the Trademark owner can submit an application to amend some of the information in the registration documents, e.g., amending the list of goods or services, filing a disclaimer of rights for some elements of the Trademark, correcting some errors in the application for Trademark registration, or modifying the example of the Trademark, by means of submitting an application form provided by the Department of Intellectual Property, along with paying the service fee. The Department of Intellectual Property only authorizes minor amendments. The Department of Intellectual Property shall publish the changes in the Official Gazette on the Registration of Industrial Property.

Article 28: Cancellation or elimination of Trademark registration

Third parties are eligible to file a request to cancel or eliminate the registration of a Trademark within five (5) years, as from the

date of publication in the Official Gazette of Registration of Industrial Property, as stipulated in Article 44 of the Law on Intellectual Property. The submission of an application for cancellation or elimination of Trademark registration must be made by application form from the Department of Intellectual Property and paying the service fee.

The Department of Intellectual Property has the right to cancel or eliminate the registration of Trademark in the event that the Trademark owner, who has already completed the registration, does not comply with the provisions of Article 65 of the Law on Intellectual Property.

The Department of Intellectual Property must notify the Trademark owner upon receiving a cancellation request from a third party. The Trademark owner can submit a response to the Department of Intellectual Property within 60 days, as from the date of issuance of the notification.

The Department of Intellectual Property must issue a letter of cancellation or elimination of the Trademark and notify the Trademark owner. In the event that that the Trademark owner is unable to provide clarification, it will be considered that the Trademark owner has accepted the cancellation or elimination of the Trademark registration.

The Department of Intellectual Property must cancel or eliminate the Trademark registration in the event that a third party has filed a lawsuit with the Lao People's Court, and that there is a decision, which cannot be subject to appeal, to cancel or eliminate the Trademark registration, as stipulated in Article 139 of the Law on Intellectual Property.

The Department of Intellectual Property must notify the owner and third party of the cancellation of the registration certificate.

The Department of Intellectual Property must record the cancellation in the database and publish the cancellation in the Official Gazette of Registration of Industrial Property.

Article 29: Term of protection

The Trademark is protected for 10 years, as from the filing date of the application.

For Trademarks registered, or for applications submitted before the Law on Intellectual Property No. 38/NA dated November 15, 2017 comes into effect, the protection period is from the date of registration.

Article 30: Protection renewal

At the time of expiry of the protection period of a registered Trademark, it is possible to ask for renewal for 10 years each time, by submitting an application form for renewal from the Department of Intellectual Property to the Department of Intellectual Property within six (6) months before the protection's expiration date and paying the official and service fees.

In case the protection of the Trademark has expired but has not been renewed, the applicant for Trademark registration can file an application for renewal of the registration within six (6) months, as from the expiration date, and pay the late renewal fee.

In the case that the expiration date of the Trademark protection is a public holiday or a day that the Department does not accept applications, the Department shall extend the renewal until the next working day.

Article 31: Transfer of rights and the record of transfer of rights

The owner of a Trademark, Collective Mark, or Certification Mark can transfer their rights, in whole or in part, by entering into a contract, by inheritance, or as a gift.

In the event of a transfer of rights of a Trademark, Collective Mark, or Certification Mark, the assignor or the assignee is required to notify the Department of Intellectual Property of the transfer by means of an application form provided by the Department, and paying the service fee. The Department must record the transfer of rights in the database and in the Registry and publish the same in the Official Gazette of Registration of Industrial Property and issue the certificate of the transfer of rights to the assignee. If the assignee is a person who notifies the Department of Intellectual Property of the transfer of right, the assignee must send a copy of the related documents to the assignor.

In the event that there is a transfer of ownership of a legal entity related to a Trademark, Collective Mark, or Certification Mark, it is required to comply with the document(s) of the transfer of ownership. In the event that it is not specified otherwise, the transfer of ownership of the legal entity is considered to include the transfer of the Trademark of the legal entity.

In the event that clarifications are required, or that further information is required, the Department can request that the person who notifies the transfer of rights should submit additional information or documents.

The transfer of rights will not be effective until recorded, unless the relevant parties already have a letter regarding the transfer of rights.

Article 32: Authorization to use a Trademark

Trademark owners are able to authorize others to use their Trademark in order to take advantage of parts of these rights, or for the entire rights, which can be made by entering into a contract to authorize the use of the Trademark. This is not considered as the transfer of Trademark rights, as stipulated in Article 42 of the Law on Intellectual Property. The licensor or the licensee must notify the Department of Intellectual Property.

In the event that there is a transfer of ownership of the legal entity licensed to use the Trademark, Collective Mark, or Certification Mark, authorization will be transferred, along with the transfer of the ownership of the legal entity, unless specified otherwise in the contract regarding the authorized use, or in documentation of the transfer of ownership.

In the event of a transfer of ownership of a legal entity licensed to use the Trademark, license agreements for other persons to use the Trademark must not be considered void, unless otherwise specified in the license agreement.

PART 4 Being a Representative relating to Trademark Registration and Other Procedures

Article 33: Persons eligible to be a representative for Trademark registration and other procedures

A person eligible to represent a Trademark owner, as specified in Article 4 of this Decision, may proceed with Trademark registration and other procedures as follows:

1. In the case of 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 perform legal activities in Laos;
3. Intellectual Property Agent; or
4. Any individuals hired by the applicant.

An applicant for a Trademark registration, who is a foreigner, must submit an application for Trademark registration only through an intellectual property agent or an attorney-at-law who must be licensed to perform legal activities in Laos.

A person eligible to represent the applicant must have knowledge of the intellectual property field, an address in Laos, and must be authorized by the Department of Intellectual Property.

Article 34: Appointment of representative

The representative must be a person appointed by a power of attorney affixed with the signature of the applicant of the Trademark registration or of the grantor.

In the event that several applications for Trademark registration submitted together in a power of attorney, the power of attorney must have the signatures of all of the applicants or grantors, except for deceased persons.

As stipulated in Article 38 of this Decision and other provisions in this part, the applicant of the Trademark registration can appoint several representatives, all of whom have the same address.

Article 35: Delegation

Delegation means the power of attorney whereby the rights holder has assigned one or several individuals to perform duties on their behalf.

The power of attorney must provide:

1. Requirements and scope of representation;

2. The rights assigned to take actions in connection with the Department of Intellectual Property;
3. Period of authorization (if any);
4. The grantor can cancel at any time without affecting the rights of the representative to receive payments from the service and various costs incurred during the contact with the Department of Intellectual Property.

The Department of Intellectual Property will acknowledge that the requirements specified in the power of attorney are in compliance, unless the requirements in the power of attorney do not comply with the laws and this Decision.

The Department of Intellectual Property will consider that a power of attorney can be used for one application only. In the event that the power of attorney does not specify the scope and period of authorization of the representation, or other procedures related to the power of attorney, 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.

In the event that one of the co-owners of the mark refuses to sign the power of attorney, the power of attorney will be considered invalid.

Article 36: Termination of a representative

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.

**PART 5 Administrative Review and Administrative Dispute Resolution
related to Trademark Registration**

Article 37: Administrative review and amendment of errors

The Department of Intellectual Property has the right to reconsider a Trademark registration by administrative procedure, as necessary for the prevention and correction of errors.

Article 38: Administrative review

An individual, legal entity, or organization can propose to the Department of Intellectual Property that it reconsider, within 90 days after issuance of the notification from the Department, the registration procedure of the individual, legal entity, or organization, if it contains errors, or if it does not comply with the requirements specified in the law and this Decision, under one of the following circumstances:

1. Request correction of the errors caused by the Department of Intellectual Property, without paying any charges;
2. Request correction of the errors caused by the applicant of the Trademark registration, by paying service charges; or
3. Request a reconsideration of one of the following:
 - 3.1 Requirements or a decision requiring review;
 - 3.2 Facts and legal background; or
 - 3.3 Provisions proposed to the Department of Intellectual Property for its consideration.

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 39: Request for a temporary suspension

The request for an administrative review, as stipulated in Article 38 of this Decision, may include a request to the Department of Intellectual Property to temporarily suspend the consideration process of the registration of the Trademark, which is subject to reconsideration, or which is subject to the final administration consideration, for the sake of fairness and for the benefit of third parties.

Article 40: Reconsideration

The Department of Intellectual Property will accept requests for

reconsideration regarding Trademark registration, where the person asking for reconsideration must have sufficient reasons to propose a review of the findings that it deems inconsistent with this Decision.

If the result of the reconsideration is not satisfactory, the proposer may request a final administration consideration from the Committee of Final Consideration of the Department of Intellectual Property within 30 days from the date of the notification from the Department of Intellectual Property relating to the reconsideration result. If the proposer fails to comply within said period, they will be deemed as abandoning their rights.

Article 41: Final administration consideration procedure

The individual, legal entity or organization who seeks Trademark registration with the Department of Intellectual Property has the right to request a final administration consideration from the Committee of Final Consideration, and paying the relevant service fee.

The academic staff of the Department of Intellectual Property involved in the granting, certification, rejection or consideration that leads to a request for a final administration consideration must provide clarification of the legal principles and facts used in the consideration, in order to provide information to the Committee of Final Consideration.

The Committee of Final Consideration can invite a specialist to provide recommendations. The Committee of Final Consideration must proceed with the consideration provided in this Article, and must record the decision of the Committee of Final Consideration in writing by indicating the legal principles and the relevant facts. The minutes of said decision must be sent to the person triggering the recourse.

The proposal for a final administration consideration will be considered void in the event that the proposer is unable to provide the necessary information, as specified in the Section 3 of Article 38 of this Decision.

The Committee of Final Consideration must send a copy of the request for a final administration consideration, along with the record of such decision, in writing, to the Department of Intellectual Property, which will notify the decision of the Committee of Final Consideration to the proposers, which will mark the end of the administrative review.

Article 42: Committee of Final Consideration

The Department of Intellectual Property must appoint a Committee of Final Consideration to conduct the final administration consideration procedure relating to the certification or refusal, or to the results of the decision in the Trademark registration process.

The Committee of Final Consideration must be independent and not depend on any sectors within the Department of Intellectual Property. The Committee of Final Consideration can be established permanently or temporarily.

An individual who is involved in the certification, refusal, or defining the requirements, or the decision that leads to the request for the final administration consideration cannot be part of the Committee of Final Consideration.

PART 6 Creation of Duplicates

Article 43: Copy of damaged document or lost document

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

Article 44: Duplication of documentation

In the event that the documents or other documents related to the application or other procedure are damaged or lost, the Department of Intellectual Property must create duplicates of said documents. The Department of Intellectual Property must notify the applicant or the owner of the documents to send the true and complete certified copies of the relevant documents, or documentation related to the Department of Intellectual Property, including unregistered documents or documentation related to the Department of Intellectual Property that are acknowledged by the applicant of the Trademark registration or by the owner of the documents.

PART 7 Trademarks and Trade Names Supervisory Agency

Article 45: Supervisory agency

The Department of Intellectual Property of the Ministry of Science and Technology is responsible for considering the applications for Trademark registration and issuing Trademark registration certificates, according to the requirements specified in the Law on Intellectual Property and this Decision.

The Department of Science and Technology, at the provincial or capital levels, is responsible for receiving applications for Trademark registration, as assigned by the Department of Intellectual Property.

The Office of Science and Technology at the municipal and city levels, acts as assigned by the Department of Science and Technology at the provincial and capital levels.

Article 46: Rights and obligations of the Department of Intellectual Property

Rights and obligations of the Department of Intellectual Property are as follows:

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

Ministry of Science and Technology

Article 47: Rights and obligations of the Department of Science and Technology, at the provincial and capital levels

Rights and obligations of the Department of Science and Technology, provincial and capital level, are as follows:

1. Receive and verify the accuracy and completeness of applications for Trademark 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. Perform other rights and obligations as assigned by the Department of Intellectual Property.

PART 8 Final Provisions

Article 48: Implementation

The Department of Intellectual Property and the Department of Science and Technology at the provincial and capital levels are assigned to coordinate with the relevant authorities to strictly implement this Decision.

Article 49: Effectiveness

This Decision will enter into force when executed, fifteen days after being published in the Official Gazette.

This Decision will replace the Decision of the Minister of Science and Technology on the Implementation of the Law on Intellectual Property relating to Trademarks and Trade Names, No.753/MOST dated September 20, 2012.