

LAO PEOPLE'S DEMOCRATIC REPUBLIC
Peace Independence Democracy Unity Prosperity

PRIME MINISTER'S OFFICE

No 06 / PM

**DECREE
OF THE PRIME MINISTER
ON TRADEMARKS**

Based on the law on the promotion and management of foreign investment in the Lao People's Democratic Republic;

Based on the law on business;

On the proposal of the President of the Science, Technology and Environment Organisation.

The Prime Minister decrees:

**SECTION I
GENERAL PROVISIONS**

Article 1 : This Decree is promulgated to unify trademark administration throughout the country, to encourage and promote foreign investment in the Lao People's Democratic Republic (hereinafter referred to as " Lao PDR "), to stimulate internal and external commerce, to ensure the quality of production goods, to protect consumers, and to suppress the fraudulence of goods and illegal commercial practice.

Article 2: " Mark " means any visible sign capable of distinguishing the goods or services of an enterprise.

A mark may be in the form of word, figurative element or combination thereof represented in one or any colours.

"Trademark " means a sign used as a mark of goods or services to designate the goods and services belonging to the owner of the created trademark.

Article 3: The Lao People's Democratic Republic manages and protects trademarks throughout the country on the basis of laws and regulations.

Article 4: Any trademark can be protected in the case of trademarks which have been registered in the Lao PDR.

Article 5: Individuals or legal entities having residence, and those from foreign countries engaged in lawful production, commercial and service activities, shall be entitled to register trademarks.

Individuals or legal entities of foreign countries requesting trademark registration may have an authorised representative in the Lao PDR.

Article 6: Any individuals or legal entity, before using the trademark which has been registered in the Lao. PDR must be authorised by the owner of registered trademark, who shall notify the Science, Technology and Environment Organisation*.

*Now known as STEA (Science, Technology and Environment Agency)

SECTION II REGISTRATION OF TRADEMARKS

Article 7 : The application for registration of trademark shall contain :

- œ- A request for the registration of trademark;
- œ Some specimens of the trademark;-
- œ- A list of the goods or services, with a description of the characteristics and qualities that are to bear the mark, plus all other necessary relevant documents;

Individuals or legal entities who wish to register trademarks shall apply to the Science, Technology and Environment Organisation.*

Individuals or legal entities who have been assigned the right to use a trademark, should request trademark registration in the Lao PDR. The application should contain the permission of the trademark owner, plus the defining characteristics and qualities of the goods and services bearing the mark. In the case of partial assignment s, the agreement shall provide for the right of the owner of the trademark to verify the quality of goods or services.

Article 8 : The Science, Technology and Environment Organisation accepts and examines applications for registration of a trademark, issues the certificate and shall publish the result of the above registration.

Article 9 : " Collective mark " means a trademark used with goods or services of different enterprises who are using the same mark under the control of the registered owner of the collective mark.
The application for registration of a collective mark shall contain documents pursuant to the requirements defined in article 7 with, in addition, the rules governing the use of the collective mark.

In the case of any change in use of the said collective mark, the registered owner must notify the Science, Technology and Environment Organisation for approval.

Article 10 : Where two or more persons file applications for the registration of identical or confusingly similar trademarks of the same kind, priority shall be considered and granted to the person who has first filed his application in conformity with article 7.

Article 11 : The certificate of registration of trademarks shall be valid for a period of ten years from the filing date of the application for registration and may be renewed every ten years.

Article 12 : A trademark cannot be registered if :

An unclear trademark which is incapable of distinguishing the goods or services of one enterprise from those of other enterprises is submitted;

A mark is contrary to the national cultural morality and the public order.

A mark is likely to mislead the public or trade circles, in particular as regards the geographical origin, nature or characteristics of the goods or services.

A mark is identical with, or is an imitation of, or contains as an element, an armorial bearing, flag or emblem, national typical culture or historical site, a name or abbreviation of any state, intergovernmental organisation or organisation created by an international convention, a mark possess official sign or hallmark relating to the control and certification of any state or international organisation, unless authorised by state or organisation concerned.

A mark is identical with, or confusingly similar to a trademark or trade name of goods or services which are widely well known.

SECTION III

RIGHTS CONFERRED BY REGISTRATION

Article 13 : The owner of a registered trademark shall have the rights to :

Any exclusive use of the trademark by himself or other person with respect to the laws;

Court proceedings against any individual or legal entity that infringes on or uses the trademark without his agreement.

The rights of the owner of a registered trademark or his consent shall not extend to the other acts related to the goods and services existing in the

Lao PDR.

Article 14 : The exclusive rights of the owner of a trademark shall terminate in the following cases :

The owner dose not use a registered trademark by himself or by his consent during a continuous period of five years, unless it is shown that special circumstances prevented the use of the trademark ;

The expiration of the certificate of registration of the trademark

The exclusive rights of the owner of a trademark which has been registered, shall be invalidated if the certificate of registration is expired of the term of validity, except where it has been renewed.

Article 15 : In case of an applicant who has registered a trademark of the same kind in a foreign country, he has the right to appeal for priority date during the filing of an application for registration in the Lao PDR, but his application should be accompanied by a reference according to the international principles and laws or regulations of the country concerned, relating to the protection of intellectual property.

Article 16 : Any change in the ownership of an application for registration, or in the transfer of right under the trademark to another person, shall require approval and record of the grounds by the Science, Technology and Environment Organisation before coming into effect.

SECTION IV MEASURES FOR INFRINGER.

Article 17 : Any individual or legal entity shall be regarded as having violated the right under trademark if he or it has made use of a registered trademark without authorisation of the owner, or has engaged in unfair competition relating to the use of a trademark.

The infringer of rights under the trademark shall be warned or be subjected to the legal sanction of such a case according to the laws of the Lao PDR.

SECTION V FINAL PROVISIONS

Article 18 : The Science, Technology and Environment Organisation, in consultation with the Ministry of Industry and Handicrafts, the Ministry of Commerce and other competent authorities concerned, shall be responsible for organising the implementation and interpretation of this Decree into detailed regulations to ensure the effective control and management of the activities.

Article 19 : The Prime Minister's Office, Ministries, Identical Organisations, Provinces and Municipality, shall be aware and in charge of the implementation of this Decree in accordance with their own role.

Article 20 : This Decree shall enter into force on the date of its signature.

Vientiane, January 18th 1995
The Prime Minister

Khamtay Siphandone