

**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

National Assembly

No 101/NA

**Resolution
Of
The National Assembly
Of
The Lao People's Democratic Republic
On the Approval of the Intellectual Property Law**

Pursuant to Article 53, Item 2 of the Constitution and Article 3, Item 2 of the National Assembly Law of the Lao People's Democratic Republic regarding the rights and duties of the National Assembly.

After the 4th ordinary session of the VI National Assembly Congress, wide studies and considerations were undertaken and agreement was reached on the content of the Intellectual Property Rights Law in a resolution at the afternoon session of 24 August 2007.

The Session agreed:

- Article 1. The Intellectual Property Law was approved by majority vote.
- Article 2. This Resolution is effective from the date of its signature.

Vientiane Capital, 24 December 2007
President of the National Assembly
Signed and sealed

Thongsing THAMMAVONG

**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

**No 06/P
Vientiane Capital, 14/1/2008**

**Decree
Of the President
Lao People's Democratic Republic
On the Promulgation of the Intellectual Property Law**

- Pursuant to the Constitution of the Lao People's Democratic Republic, Section VI, Article 67, Item 1 on the promulgation of the Constitution and the law(s) previously approved by the National Assembly;
- Pursuant to the resolution of the National Assembly of the Lao People's Democratic Republic, No. 101/NA, dated 24 December 2007 on the approval of the Intellectual Property Rights Law;
- Pursuant to the written proposal of the Standing Committee of the National Assembly No. 03/SCNA, dated 10 January 2008.

***The President of the
Lao People's Democratic Republic issues Decree:***

Article 1: On the Promulgation the Intellectual Property Rights Law.

Article 2: This Decree is effective from the date of its signature.

President of the Lao People's Democratic Republic
Signed and sealed

Choumaly XAYASON

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 08/NA

Vientiane Capital, Date 24 December 2007

Law
on
Intellectual Property

Section I
General Provisions

Article 1. Objectives

This Law on Intellectual Property determines the principles, regulations and measures relating to the promotion of invention, creativity, the intellectual economy, management, and protection of intellectual property rights, in order to guarantee the interests of the intellectual property owner and the interests of society, encourage research and scientific and technological development, the transfer of technology at the national level and from abroad (foreign countries), promote/stimulate commerce, investment and the efficient competitive potential of the national economy in an age of globalization, aiming to play a role in the progressive industrialization and modernization of the country.

Article 2. Intellectual Property

Intellectually property are works of the human intellect through invention and creativity having economic value and benefit social development.

Article 3. Definitions

The terms as used in this law have the following meanings:

1. **Intellectual property rights** means the rights of individuals or entities involving intellectual property;
2. **Industrial property** means works derived from the human intellect for use in the industrial, handicrafts, agricultural, fisheries, commercial and service sectors;
3. **Industrial property rights** means the rights of individuals or entities relating to inventions, works, industrial designs, trade marks, integrated circuit plans/designs, geographical indicators and trade secrets;
4. **Patent** means the official certification issued by the state organization to protect inventions;
5. **Invention** means the technical procedures to create products or new methods of production to remedy any specific issues;
6. **Petty patent** means the official certification issued by the state organization to protect utilities.

7. **Utility** means a new work derived through technical improvements which involve simpler steps than with inventions;
8. **Industrial design** means the form or shape of the product which is to be created which includes the shape, configuration, pattern, color, etc.;
9. **Mark** means the symbol which may be an image, words, characters, numbers, signatures, names of people, colors, form or shape of an item or any one of the above mentioned or a combination, etc. for use or to be used as a trademark;
10. **Trademark** means the mark provided for in Item 9 of this Article for use with goods and services to both differentiate between these goods, services and other goods and services;
11. **Collective trademark** means the trademark used by affiliated enterprises or members of an association, cooperative, state or private organization or a group of individuals;
12. **Certification mark** means the trademark which the owner has permitted the use of by individuals or entities for use with their goods or services to certify the characteristic qualities which relate to the geographical indicator, raw materials and production methods of the goods or provision of service, the type, quality, safety or other characteristics of the goods or services;
13. **Reputable trademark** means a trademark which is widely recognized within the territory of the Lao PDR, any country, region and globally;
14. **Trade name** means the name which an enterprise operates its business under to differentiate between the enterprise and other enterprises which operate in the same business sector;
15. **Integrated circuits** means finished electronic products or semi-finished electronic products that fulfill an electronic function which include parts which can cause an electronic reaction;
16. **Integrated circuit topography** means designs or pictures made in any form comprising circuit elements which form a complete circuit;
17. **Geographical indicator** means a sign used to indicate the origin, country, zone, locality, or specific area of any product which certifies specific qualities and reputation;
18. **Trade secret** means commercial information not known or not generally used, such as: formulas, production processes, or any information which provides the owner a competitive business advantage;
19. **Plant varieties** means a group of plants being the same or similar genetically and biologically, having particular characteristics different from other groups of the same plant type [and] remaining consistent during propagation;
20. **New plant varieties** means the improvement or development through genetic engineering or biotechnology resulting in a new and unique plant variety which does not exist naturally;
21. **General indigenous plant varieties and wild plant varieties** means indigenous plants which have specific characteristics and beneficial uses

- which occur in a wide variety of locations within the country or in the wild;
22. **Local plant varieties** means plants which have specific characteristics and beneficial uses which occur specifically in any location within the country;
 23. **New plant variety rights** means the rights of individuals or entities over the plant cultivated or discovered, developed through genetics or biotechnology;
 24. **Local plant variety rights** means the rights of a community which have a continued heritage in any location who have jointly preserved or cultivated plants indigenous to that location;
 25. **Copyright** means a work of the human intellect which is created by the author in the fields of art and literature, including scientific works;
 26. **Related rights** means the rights of an individual or entity relating to copyright in the fields of performance, sound-image recordings and sound-image broadcasting or encoded satellite transmissions;
 27. **Works** means a creative work by an individual or entity in the fields of arts, literature and science shown in any form or method;
 28. **Derivative works** means a work translated from any language into Lao or any other language or from Lao into another language, improved upon, amended, transformed, compiled, interpreted, elucidated, a selected or qualified work;
 29. **Published works, sound-image recordings** means a work or sound-image recording made available to the public in an appropriate number of copies as agreed by the copyright holder or the holder of the related rights;
 30. **Reproduction** means the copying of a work or sound-image recording in a certain number, or numerous editions by any method, including the permanent or temporary keeping of the information of the work.
 31. **Sound-image broadcasts** means making works available to the public through radio or television broadcasts or by other similar means, such as: the internet, or satellite transmissions, etc.;
 32. **Traditional art and literature** means collections of traditional ideas and works of a community or group which reveal the way of life of the community;
 33. **Contemporary art** means adaptations of art to be used for other purposes;
 34. **Registration certificate** means the certification issued by a state organization to the individual or entity to certify the ownership of the industrial property relating to the invention, the utility, industrial design, trademark, integrated circuit topography, geographical indicator and plant variety;
 35. **Priority date** means the date of the first application for registration abroad prior to the date of application for registration in the Lao PDR;
 36. **Utilization** means the production, offer for sale, advertising, storage for sale, sale, distribution, circulation import, and export.

Article 4. State Policy Relating to Intellectual Property

The state promotes the development, intellectual property activities and the utilization of the fruits of invention, the creativity of individuals or entities and recognizes and protects the rights [and] interests of the intellectual property owner.

The state encourages activities and investment in the intellectual property sector by laying down policies, laws [and] regulations and measures to accommodate [such investment].

The state protects intellectual property which does not conflict with national security activities, social order, sanitation, the environment, laws [and] regulations, culture or fine traditions of the nation.

Article 5. General Principles Relating to Intellectual Property

The General principles relating to intellectual property are as follows:

1. recognition, protection and to ensure fairness for the intellectual property owner;
2. protection of industrial property in the Lao PDR shall be applicable when the industrial property owner has been registered;
3. copyright and related rights are protected immediately after the work of art and literature is created, including scientific works;
4. all use of intellectual property for commercial gain/benefit must first be authorized by the owner of the rights¹;
5. in the event that provisions under international conventions to which the Lao PDR is a state party or agreements to which it is a signatory contravene provisions of this law, the provisions of the international convention or agreement shall prevail.

Article 6. Scope of Application of the Intellectual Property Law

This law is applicable to domestic and foreign individuals and entities who are involved in intellectual property activities under this law and international conventions to which the Lao PDR is a party.

Article 7. International Cooperation

The state promotes international cooperation in relation to intellectual property activities based on respect of each other's unity, sovereignty, mutual benefit for the development and management of intellectual property activities, academic exchange; the exchange of technology [and] information, [and] news to raise the level of personnel, participation and implementation of international conventions and agreements to which the Lao PDR is a party.

¹ 'Rights' used here means all rights, such as copyright, related rights, etc.

Section II Intellectual Property

Article 8. Intellectual Property Framework

Intellectual property includes:

1. industrial property;
2. plant varieties;
3. copyright and related rights.

Article 9. Industrial Property

Industrial property includes:

1. patents;
2. petty patents;
3. industrial designs;
4. trademarks;
5. integrated circuit topographies;
6. geographical indicators;
7. trade secrets.

Article 10. Plants Varieties

Plants varieties include:

1. general indigenous plant varieties and wild plant varieties;
2. local plant varieties;
3. new plant varieties.

Article 11. Copyright and Related Rights

Copyright and related rights include:

1. related rights over works of art, literature, and science including computer programs;
2. related rights of works of performers, producers of sound-image recordings and sound-image broadcasters.

Section III Industrial Property

Part 1 Industrial Property Requirements

Article 12. Requirements for Obtaining an Industrial Property Registration Certificate

In order to obtain an industrial property registration certificate all the requirements provided for in Articles 13, 14, 15, 16, 17, 18, 19 and 20 of this law must be met.

Article 13. Requirements for Obtaining a Patent

In order to obtain a patent an invention must meet the following requirements:

1. the invention must be new, meaning, such invention has never existed, never been shown to the public through printed media, or through actual use or by any other means in the Lao PDR or any place in the world prior to the date of filing the application for registration or prior to the priority date of the application for registration of the invention;
2. the invention involves steps, meaning that the invention is related to a previous invention whereby the individual² has knowledge in that field and clear understanding;
3. can be utilized in production, meaning that the invention can be utilized to benefit industrial, handicrafts production, agriculture, fisheries, services, etc.

Article 14. Requirements for Obtaining a Petty Patent

The requirements to be met in order for a utility to obtain a petty patent are similar to the requirements for obtaining a patent, but are simpler than for an invention.

Article 15. Requirements for Obtaining an Industrial Design Certificate

In order to obtain an industrial design certificate the industrial design must be new. An industrial design shall be deemed new if that industrial design has never been shown to the public through printed media, through actual use or displayed, or by any other means in the Lao PDR or any place in the world prior to the date of filing the application for registration or prior to the priority date of the application for registration.

Article 16. Requirements for Obtaining a Trademark Certificate

In order to obtain a trademark certificate the following requirements must be met:

1. a mark shall be clear, visible to the naked eye, which may be in the form of characters, words, numbers, images, drawings, photographs, names of individuals, signatures, shapes including three dimensional, groups of colors, a combination of such or a single item or many;
2. a mark not displaying any of the characteristics prohibited under Article 23 of this law;
3. a mark not the same as or similar to a trademark previously registered by another individual.

Article 17. Requirements for Reputable Trademarks

Any trademark shall be deemed reputable when it meets the following requirements:

² 'Individual' probably means 'inventor'.

1. users recognize the trademark by way of trade, use of the product, goods, services which carry the trademark or through widespread advertising;
2. the product, goods, services are widely circulated under the trademark within the territory;
3. items from the sale of goods or provision of services which carry the trademark or the number of goods sold, wide provision of services;
4. the period of use of the trademark shall be regular and continuous;
5. faith in use of the trademark with the products, goods, services the good quality and being widely popular;
6. domestic consumers certify and widely recognize the reputation of the trademark;
7. high value of investment in the trademark.

This law will protect reputable trademarks whether registered or otherwise and will not permit individuals or entities, both domestic and foreign who do not own the reputable trademark to register or use the same or similar trademarks as such reputable trademarks.

Article 18. Requirements for Obtaining an Integrated Circuit Topography Certificate

In order to obtain an integrated circuit topography certificate the following requirements must be met:

1. the designer has produced a new integrated circuit topography by modification of an existing design;
2. the designer has created the integrated circuit topography which is not generally known in industrial integrated circuit topography production circles.

Article 19. Requirements for Obtaining a Geographical Indicator Certificate

In order to obtain a geographical indicator certificate the following requirements must be met:

1. the geographical indicator includes natural factors including conditions of the soil, air, water, ecology, and other natural conditions;
2. the geographical indicator includes human factors including recognition, conscience and the experience of the manufacturer and original, local manufacturing processes.

These two factors are requirements on deciding whether such product has the specific reputation, quality and characteristics.

Article 20. Requirements of Trade Secrets

The requirements for being [considered] a trade secret are as follows:

1. the information must benefit the business operations or services;
2. the information must not be known to the average person;

3. the information must not have been accessed by individuals involved.

These three requirements result in the owner of the trade secret benefiting over [its] competitors.

Part 2 Industrial Property Ineligible for Registration

Article 21. Inventions and Utilities Ineligible for Patents and Petty Patents

Inventions or utilities which are ineligible for patents or petty patents are: discoveries of existing things, discoveries of rules and scientific theories, mathematical formulas, schemes, regulations or methods of business operation, psychological [medical] treatment or games, medical treatment of humans or animals, microbes and any part thereof which exist naturally or which can be extracted from animals or vegetation, inventions and utilities which conflict with national security and social order, hygiene, the environment, laws, culture and the fine traditions of the nation.

Article 22. Industrial Designs Ineligible for Registration

Industrial designs ineligible for registration are as follows:

1. external shapes of industrial designs which are inherent to that shape;
2. industrial designs which conflict with social order and the fine traditions of the nation.

Article 23. Trademarks Ineligible for Registration

Trademarks ineligible for registration are as follows:

1. marks which are unclear making it impossible to differentiate between products, goods, [and] services of an individual or entity from [those] of other individuals or entities;
2. marks which cause misunderstanding among the public or trade organizations or which are of a fraudulent nature relating to the origin, characteristics, quality, including price or other characteristics of their products, goods or services;
3. marks which are copies, [and] fakes which mislead the consumer or user;
4. marks which contain national emblems, flags, cultural symbols or places of worship, images of national heroes, abbreviations or full names of towns, provinces of the Lao PDR or foreign countries;
5. emblems of international organizations or symbols created by international conventions, official seals or symbols of state or international organizations, except in cases where the relevant party obtains authorization from the state or relevant international organization;
6. marks which are the same as, or similar to trademarks of any products, [and] goods or services already registered;

7. marks which conflict with national security, social order, laws [and] regulations, culture and the fine traditions of the nation.

Article 24. Integrated Circuit Topographies Ineligible for Registration

Integrated circuit topographies ineligible for registration are as follows:

1. principles, methods, system or methods of implementation of integrated circuits;
2. data [and] information or software contained in the integrated circuit.

Article 25. Geographical indicators Ineligible for Registration

Geographical indicators ineligible for registration are as follows:

1. names of geographical indicators which have become names of goods generally available in the Lao PDR;
2. foreign geographical indicators which are not protected or have not been used for a long period;
3. geographical indicators which are the same as, or similar to protected trademarks which leads to misunderstanding as to the origin of the said goods;
4. geographical indicators which lead to user misunderstanding about the actual source origin.

Article 26. Data Ineligible for Protection as Trade Secrets

Data which is ineligible for protection as a trade secret includes confidential information of individuals, state management [and] administration, protection of national security, social order and other confidential information not related to commerce.

Part 3
Registration of Industrial Property

Article 27. Filing Applications for Registration

Domestic or foreign individuals and entities may apply for registration of their industrial property with the intellectual property supervision authority or with an international intellectual property registration organization to which the Lao PDR is a party.

Individuals or organizations located abroad which wish to register industrial property in the Lao PDR must have a legal representative in the Lao PDR.

Article 28. Principles used for Consideration of Applications for Registration

If there are many applicants requesting registration for the same or similar industrial property which are in compliance with registration regulations, the person who obtained priority date shall be considered first.

Article 29. Priority Date

The person who has obtained priority date is the individual or entity which filed an application for registration abroad before the person who filed the application for registration in the Lao PDR.

For patents and petty patents the priority date is valid for not more than twelve months from the date of filing the application abroad until the date of filing the application in the Lao PDR. For industrial designs or trademarks the priority date is valid for not more than six months. Upon expiry of the said periods, the date of application in the Lao PDR shall be [the priority date].

The regulations concerning such priority date shall be applied in exactly the same way for an applicant who files an application for registration in the Lao PDR prior to filing abroad.

Article 30. Applications for Registration of Inventions or Utilities

Applications for the registration of inventions or utilities shall include the following documents:

1. the application for the registration of the invention;
2. power of attorney;
3. explanation;
4. claims for rights;
5. drawings;
6. summary report;
7. certificate of priority date;
8. receipts of payment of fees.

Each set of registration application documents is valid for only one invention or utility and may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days of the application and the translation must be certified.

Article 31. Applications for Registration of Industrial Designs

Applications for the registration of industrial designs shall include the following documents:

1. the application for the registration of the industrial design;
2. power of attorney;
3. paintings, images or drawings that comprise the industrial design which are used for any specific products;
4. sample of the industrial design;
5. certificate of priority date;
6. receipts of payment of fees.

One set of registration application documents is valid for the industrial design of the same set categorized under international categorization.

In the event that the applicant is a foreign national, the application may be filed in the English or Lao languages.

Article 32. Applications for Registration of Trademarks

Applications for the registration of trademarks shall include the following documents:

1. the application for the registration of the trademark;
2. power of attorney;
3. a sample of the trademark or service mark;
4. regulations for use of the mark³;
5. certificate of priority date;
6. receipts of payment of fees.

One set of application documents is valid for only one trademark and only one category of goods or services under international categorization.

In the event that the applicant is a foreign national, the application may be filed in the English or Lao languages.

Article 33. Applications for Registration of Integrated Circuit Topographies

Applications for the registration of integrated circuit topographies shall include the following documents:

1. the application for the registration of the integrated circuit topography;
2. power of attorney;
3. explanation;
4. claim for rights;
5. drawings, [and] photographs of the integrated circuit topography and a sample of the semi-conductors;
6. summary report;
7. certificate of priority date;
8. receipts of payment of fees.

Each set of registration application documents is valid for only one integrated circuit topography and may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days of the application and the translation must be certified.

Article 34. Applications for Registration of Geographical Indicators

Applications for the registration of geographical indicators shall include the following documents:

³ 'Mark' probably refers to 'trademark'.

1. the application for the registration of the geographical indicator;
2. power of attorney;
3. a copy of the geographical indicator registration abroad;
4. receipts of payment of fees.

Each set of registration application documents is valid for only one geographical indicator and may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days of the application and the translation must be certified

Article 35. Provision of Additional Information

When required by the registration unit, the applicant shall furnish information on the registration of industrial property abroad, especially in relation to the same industrial property which is presently under application in the Lao PDR, such information shall include:

1. a copy of the report of the examination of the industrial property abroad;
2. a copy of the industrial property registration certificate obtained abroad.

Article 36. Filing and Obtaining Industrial Property Registration Application Documents

Applications for the registration of industrial property must be filed only with the intellectual property supervision authority. The application shall include at least the following documents and information:

1. application for the registration of the invention, utility, industrial design, trademark, integrated circuit topography or geographical indicator;
2. information, [required] including the scope of protection for applications for the registration of inventions, [and] utilities: for applications for the registration of industrial designs, photographs or drawings; for the registration of trademarks, samples of marks and list of goods or services used with such marks; for the registration of geographical indicators, explanations of the specific characteristics of the geographical indicator;
3. receipts of payment of fees.

When applications for registration comply with the provisions of Items 1, 2 and 3 of this Article, the registration unit will provide date of application or international date of application in the event that the registration application has been filed with an international industrial property registration organization to which the Lao PDR is a party.

Article 37. Preliminary Examination of Industrial Property Registration Application Documents

The preliminary examination of industrial property registration application documents involves the following steps:

1. completeness of the application documents;
2. requirements for receipt of protection;
3. rights of the applicant;
4. payment of fees.

After the preliminary examination, if it is considered that the application is incomplete, the registration unit will inform the applicant to complete the application within 60 days of notification.

Article 38. Publication of Industrial Property Registration Applications

After the registration unit has completed its preliminary examination of the invention, [and] utility registration application documents; the registration unit will publish [the application] in official industrial property publications in the 19th month after filing the application or after the priority date.

Article 39. Requests for Examination of Invention or Utility Registration Applications

In the event that the applicant is unable to provide reports of examination of the invention or utility which is under application for registration, the applicant may submit a request to the registration unit to examine the application documents. [The registration unit] will undertake [the examination] within the following time-frames: 32 months for an invention and 12 months for a utility from the date of application or the priority date. However, all expenses incurred in the request for the examination of the invention or utility application documents shall be the burden of the requestor.

Article 40. Examination of Industrial Property Registration Applications

After the registration unit has completed its preliminary examination of the registration application documents, the registration unit will examine the industrial design, trademark and geographical indicator applications for registration.

The integrated circuit topography registration application documents are not examined.

Article 41. Void Industrial Property Registration Applications

Industrial property applications for registration shall be deemed void when they do not meet the following requirements:

1. the application is incomplete;
2. the industrial property does not meet the requirements for protection;
3. the applicant is not entitled to apply for registration;
4. the applicant fails to pay the fees;
5. the applicant did not request examination of the invention or utility registration application documents within the period provided for in Article 39 of this law.

Article 42. Issue of the License

After consideration and examination of the industrial property registration application documents which are considered to fulfill the requirements provided for in this law, the intellectual property supervision authority will issue an industrial property registration certificate, enter the registration in the register and publish the registration in official industrial property publications.

Article 43. Void Registrations

Void industrial property registrations are as follows:

1. the protection under the registration certificate is expired;
2. the industrial property owner fails to extend the registration;
3. the industrial property owner fails to pay fees;
4. failure to use [the industrial property] after registration as provided for in the application principles of this law.

Part 4

Industrial Property Rights Owner

Article 44. Industrial Property Rights Owner

After obtaining lawful registration, the applicant shall become the owner of the industrial property.

In the event that the industrial property creation or design is hired out, the industrial property owner shall be the hirer, except where agreed otherwise [by the parties].

Article 45. Rights of the Industrial Property Owner

The industrial property owner has the following rights:

1. manufacture;
2. rent out for manufacture;
3. transfer to another person by sale or assignment;
4. inherit;
5. enjoy the benefits from products derived from the industrial property or any product derived from production methods originating from the industrial property;
6. protect its industrial property from violation by other parties by filing requests or court proceedings;
7. store, advertise, circulate, offer for sale, export and import products derived from the industrial property.

Part 5
Term of Protection of Industrial Property

Article 46. Term of Protection of Patents

The term of protection of patents shall be 20 years from the date of the application for registration. In order to maintain the term of protection, the patent owner must pay annual fees in advance.

Article 47. Term of Protection of Petty Patents

The term of protection of petty patents shall be 10 years from the date of the application for registration and may be extended one time for a period of two years.

In order to maintain the term of protection, the petty patent owner must pay annual fees in advance.

Article 48. Term of Protection of Industrial Designs

The term of protection of industrial designs shall be 15 years from the date of the application for registration.

In order to maintain the term of protection, the industrial design owner must pay fees in advance every five years.

Article 49. Term of Protection of Trademarks

The term of protection of trademarks shall be 10 years from the date of the application for registration. Upon expiry [the term of protection] may be continually extended and each period of extension will be for 10 years.

In order to maintain the term of protection the owner of the trademark must pay fees every 10 years in advance.

Article 50. Term of Protection of Integrated Circuit Topographies

The term of protection of integrated circuit topographies shall be 12 years from the date of the application for registration.

In order to maintain the term of protection the integrated circuit topography owner must pay annual fees in advance.

Article 51. Term of Protection of Geographical indicators

The term of protection of geographical indicators is permanent and commences from the date of receipt of the registration certificate and payment of a one-time fee.

Article 52. Term of Protection of Trade Secrets

Trade secrets are protected for an unlimited period [or] until they are revealed.

Part 6

Limitation of Rights on Industrial Property

Article 53. Application of Rights over Patents or Petty Patents

In cases where it is necessary for the protection of national security, protection of social order, food supplies, hygiene of the Lao public without any commercial objectives, the government can authorize any other individual and entity to use the patent or petty patent free of the consent of the patent or petty patent owner but such use shall be based within the scope of approval of the government, but the patent or petty patent owner must be notified and reasonable compensation must be paid to the patent or petty patent owner. The patent or petty patent owner has the right to petition against any order or compensation which it deems unreasonable within 60 days of receipt of the notification order.

In the event that the country falls into a state of emergency due to a national disaster or war, the prime minister has the right to issue an order authorizing other individuals or entities to apply the rights of the patent or petty patent and perform as provided for in the above paragraph.

Article 54. Use of Patents or Petty Patents

In the event that the invention or utility for which the patent or petty patent was obtained is not used or only partially used after three years of issue of the patent or petty patent, the state will notify the owner of the rights to provide a written explanation within 90 days; in the event that the [owner] fails to reply or the reply is unreasonable the state shall authorize (an)other applicant(s) to use [the patent or petty patent].

Article 55. Use of Trademarks

In the event that any trademark already registered is not used in the Lao PDR continuously within five years, the state will notify the owner of the rights in order that the relevant party may provide a written explanation within 90 days; in the event that the [owner] fails to reply or the reply is unreasonable the state shall authorize another applicant to use [the trademark].

Article 56. Use of Integrated Circuit Topographies

In the event that the integrated circuit topography is used for commercial benefits, whether within or outside the country, the application for registration of the integrated circuit topography must be filed within two years of the first commercial use of the integrated circuit topography, or commencing from the date of invention, but the term shall not exceed 15 years.

Article 57. Use of Geographical indicators

In the event that an individual or entity fails to perform under the requirements of the registration of the geographical indicator, the intellectual property supervision authority shall notify the individual or entity to perform under the requirements or [within] the time-period provided by the intellectual property supervision authority. If [the individual or organization] fails to perform under the requirements and within the time-period

without due reason, the intellectual property supervision authority will order the suspension of the use of such geographical indicator.

Part 7

Obligations of the Industrial Property Owner

Article 58. General Obligations of the Industrial Property Owner

The general obligations of the industrial property owner are as follows:

1. to be responsible for the protection and management of its rights through monitoring, [and] inspection of the use of the industrial property as provided for in this law;
2. to be responsible to encourage and promote the use of its industrial property by society based on mutual benefit;
3. to be responsible for providing information about violations of its industrial property to the state organizations responsible for such activities;
4. to make obligations to the state pursuant to laws [and] regulations derived from the use, leasing, transfer or continuation of the industrial property or arising from other benefits;
5. to be responsible for coordinating the remedy of violations of its industrial property.

Article 59. Specific Obligations of the Industrial Property Owner

The specific obligations of the patent or petty patent, industrial design, trademark, integrated circuit, geographical indicator and trade secret owner are determined in separate regulations.

Section IV

Plant Varieties

Part 1

Plant Variety Requirements

Article 60. Requirements for Obtaining Registration Certification for Local Plant Varieties, General Indigenous Plant Varieties and Wild Plant Varieties

The requirements for obtaining registration certificates for local plant varieties, general indigenous plant varieties and wild plant varieties are that the specific characteristics of the plants must be identified and have a beneficial use, occurring in many localities, villages or in the wild within the country.

The detailed requirements for registration are determined in separate regulations.

Article 61. Requirements for Obtaining Registration Certificates for New Plant Varieties

The new plant variety must be an improvement to the existing variety or cultivated through genetic engineering or biotechnology resulting in a new plant variety which does not exist naturally.

A plant will receive protection as a new plant variety when such plant fulfills the following requirements:

1. the new plant variety must have never been sold or distributed in the Lao PDR for a period of one year before the date the application is filed;
2. in order to be determined as a new plant variety, the plant must clearly differ from other generally recognized plant groups in a major genetic aspect, or have undergone change(s) in any single characteristic or a combination of many characteristics;
3. [the change(s)] must be consistent, meaning that the characteristics of the different parts of the plant are identical, such as, the characteristics of the stem, the shape [and] color of the flowers, the characteristics of the bud or any single specific characteristic resulting from a genetic state;
4. [the changes] must be consistent, meaning that such plant is able to show its inherent characteristics each time that it is germinated, or it may be said that it must reveal its original inherent genetic characteristics each time that it is germinated for planting;
5. the plant must have been assigned a different name from any other existing plant.

Article 62. New Plants which may not be Registered

New plants which may not be registered are as follows:

1. new plants that have a serious direct or indirect [negative] affect on hygiene, the environment or laws [and] regulations;
2. new plants produced through cultivation which have not been evaluated by technical organizations under the principles and methodology determined by the relevant sectors for their affects against safety, or on their hygienic environmental or legal effects.

**Part 2
Registration of New Plant Varieties**

Article 63. Applications for Registration of New Plant Varieties

The filing of an application for registration and the principles used in consideration of the applications shall be performed in accordance with Articles 27 and 28 of this law.

Article 64. Priority Date

The person who has obtained priority date is the individual or entity which filed an application for registration of the plant variety abroad before the person who filed the application for registration in the Lao PDR which is valid for not more than 12 months from the date of filing the application abroad until the date of filing the application in the Lao PDR.

The regulations concerning such priority date are applied in exactly the same way for an applicant who files an application for registration in the Lao PDR prior to filing abroad.

Article 65. Registration Application Documents

An application for registration of a new plant variety comprise of the following documents:

1. the application for the registration of the new plant variety;
2. power of attorney;
3. photograph and technical questionnaire;
4. certification of priority date;
5. receipts of payment of fees.

One set of registration application documents is valid for only one plant variety. The application may be filed in two languages, namely: Lao and English, but the application and documents in the English language must be translated into the Lao language within 90 days of the application and the translation must be certified.

Article 66. Provision of Additional Information

When required by the registration unit in the Lao PDR, the applicant shall furnish additional information on the registration of that new plant variety that was filed abroad for which the applicant is now filing for registration in the Lao PDR. The additional information shall include:

1. a copy of the report of the examination of the new plant registration application abroad;
2. a copy of the new plant registration certificate [obtained] abroad.

Article 67. Steps for the Examination of New Plant Variety Applications, Void Applications, Issue of the License, Void Registrations

The steps for the examination of new plant applications, void applications, issue of the license, [and] void registrations shall be implemented in accordance with Articles 37, 38, 39, 41, 42 and 43 of this law.

Part 3

Owner of the New Plant Rights

Article 68. Owner of the New Plant Rights

The owner of the new protected plant variety is the individual or entity which improved or discovered and cultivated the plant. In the event that the improvement, discovery and cultivation of the new plant variety is hired out, the new plant variety belongs to the hirer, except where agreed otherwise [by the parties].

Article 69. Rights of the New Plant Owner

The rights of the new plant variety owner shall be implemented under Article 45 of this law.

Article 70. Term of Protection of the New Plant

The term of protection of the new plant shall be 25 years for trees and 15 years for plants from the date of the registration application.

In order to maintain the term of protection, the new plant owner must pay its fees annually.

Part 4

Limitations and Obligations Relating to New Plants

Article 71. Required Exemptions

In cases where it is necessary in order to ensure food [supply], maintain security, prevent commercial monopolies or for other public requirements the government can issue notifications allowing individuals the use of such new plant varieties, but the owner of the new plant variety rights shall be adequately compensated. Such notification shall fix the period of use and determine the rate of compensation.

After implementation of the above, but the food supply issues have not been remedied or the commercial monopoly has not been effectively prevented, the government is entitled to cancel the registration of the new plant variety by providing adequate compensation.

Article 72. Exemptions Relating to the Use of the New Plant Variety

The following acts shall not be deemed a violation of the rights relating to the protected new plant variety:

1. personal use with no commercial purpose;
2. testing and research purposes;
3. cultivation of other plants;
4. planting by farmers in the next season.

Article 73. Obligations of the New Plant Owner

The obligations of the new plant owner shall be applied under Article 58 of this law.

**Section V
Copyright and Related Rights**

**Part 1
Copyright Requirements**

Article 74. Requirements for Protection of Copyright

The requirements for protection of copyright include:

1. Artistic works means various works, such as:
 - drawings, paintings, sculptures, embroidery or carpets and other detailed works;
 - sculptures, rock sculpture and other works of sculpture;
 - designs of buildings or constructed items, internal [and/or] external renovations designs and other architectural works;
 - photographs incorporating technical methods;
 - geographical, geological or scientific models, maps, plans, sketches, or three dimensional images;
 - music accompanying dramas, films, or drama and comedy, dance patterns and other works created for performance;
 - music, meaning works of rhythm, and lyrics or scales, including edited notes or tunes;
 - Sound-image recordings meaning recording works onto recording equipment, such as: records, cassettes, video cassettes, laser disks, CD Roms, video disks, DVDs, MP3s, MP4s or other recording methods;
 - Slides, meaning arranging images which can be projected in continuation so as to become a movie which can be recorded on other materials which can also be projected in conjunction with sound tracks.

2. Works of literature means various works, such as:
 - books, thesis, brochures, magazines, printed matter and other writings, etc;
 - lectures, opinion pieces, discourses, lessons, words of wisdom, lessons, and other oral works;
 - dramas, stories;
 - computer programs and data compilations.

Article 75. Derivative Copyrighted Works

Derivative copyrighted works are translations of works from any language into the Lao language or another language or from the Lao language into another language, improvements, amendments, modifications, compilations, interpretations, explanations of selected or chosen works.

The protection of such works shall be implemented under Article 74 of this law without affecting the works provided for under that Article.

Article 76. Items Ineligible for Copyright Protection

The following are ineligible for copyright protection:

1. information having only news characteristics;
2. legislations, administrative regulations, judicial documents and official translations;
3. methods, systems, methods of implementation, definitions, principles and statistics.

**Part 2
Related Rights Requirements**

Article 77. Persons Qualified for Protection of Related Rights

Persons qualified for protection of related rights shall be:

1. performers, singers, musicians, dancers, and others who perform artistic works and literature and are called performers;
2. individuals or entities which manage the sound-image recording of the first performance and are called the sound-image recording producer;
3. the entity which initiated and made the radio broadcast, image broadcast or sound-image broadcast.

Article 78. Requirements for Protection of Related Rights

Protected related rights are:

1. Performances:
performances by Lao citizens, aliens or stateless persons at home or abroad;
performances by foreign nationals in the Lao PDR;
performances which are protected under international conventions which the Lao PDR is a party.
2. Sound-Image Recordings:
sound-image recordings by producers who hold Lao nationality;
sound image recordings which are protected under international conventions to which the Lao PDR is a party.
3. Encoded sound-image programs transmitted by satellite:
encoded sound-image broadcasts transmitted by satellite by broadcasters who hold Lao nationality;
encoded sound-image broadcasts of broadcasting organizations transmitted by satellite which are protected under international conventions which the Lao PDR is a party.
4. Performances, encoded sound-image recordings and sound-image broadcasts transmitted by satellite shall be afforded protection as determined in Items 1, 2, 3 of this Article without affecting the works determined in this Article.

Part 3

Notification of Copyright or Related Rights

Article 79. Notification of Copyright or Related Rights

Copyright or related rights are the rights which arise immediately when the work is created. Registration is not required, but the work can be recorded with the organizations responsible for such activities to be used as evidence or for information purposes, especially in the event of a violation or dispute.

Article 80. Notification of Copyright or Related Rights Documentation

Notifications of copyright or related rights include:

1. notification of copyright or related rights;
2. the created copyrighted or related rights work;
3. other related evidence, such as: copy of identification card, enterprise registration certificate (in the event that the applicant is not the copyright or related rights owner).

Article 81. Recording the Copyright or Related Rights Notification

The organizations responsible for copyright and related rights activities will examine the copyright or related rights notification, then enter it into the notification records and issue a receipt of notification of copyright or related rights as evidence. The copyright or related rights notification does determine the rights of the applicant.

Part 4

Copyright Owner

Article 82. Copyright Owner

The copyright owner is the following individual or entity:

1. the creator;
2. the joint creator;
3. the individual or entity which hired the creator;
4. the transferee of the copyright;
5. inheritor;
6. the state.

Article 83. Categories of Copyright Owner

There are four categories of copyright owner as follows:

1. general copyright owner relating to works of art and literature;
2. film and drama copyright owner;
3. computer program owner;
4. the owner of the traditional art and literature, namely the local community.

Article 84. Rights of the Copyright Owner

The copyright owner has the following rights:

1. to name its work;
2. use its real name, pseudonym or pen name;
3. perform⁴ the work in public;
4. publish the work or permit others to publish the work;
5. reproduce or modify the work;
6. circulate the original work or a copy of the work to the public;
7. communicate the work to the public through a wired or wireless communications system by using an electronic information network or by other technical means;
8. create derivative works;
9. lease the original work or a copy of the film or computer program;
10. provide interests in the copyright to others, such as: assign the copyright to another person for research;
11. protect all aspects of the work, refuse alteration, addition, removal, or other changes to such work that would affect the dignity and reputation of the copyright owner regardless of the method used [in such protection].

Article 85. Film and Drama Copyright Owner

The puppet and drama copyright owner includes:

1. the director of production, editor, cameraman, performance director, writer, scene director, sound controller, light controller, location designer, location equipment controller, technical controller and others who participated in the creation of the film and drama.

The puppet and drama copyright shall be afforded the rights determined in Article 84 of this law and other rights so agreed [between the parties];

2. the individuals or entities who made a financial, equipment and technical facilitation investment in the film and drama work shall own the rights determined in Articles 83 and 84 of this law;
3. the individuals or entities determined in Item 2 of this Article are obliged to pay agreed compensation and provide material benefits to the persons determined in Item 1 of this Article.

Article 86. Computer Programs and Data Compilations

Computer programs are a set of instructions or any other thing used by a computer to make it work or produce certain results regardless of the computer language. Computer programs are afforded the same protection as literature.

⁴ 'Perform' could also be 'show' as in an art exhibition.

Data compilation is the collection of data stored in one location available for selection electronically by categorizing data in electronic or other forms. Copyright protection of data compilations does not cover information already copyrighted and does not affect those copyright holders.

Article 87. Copyright over Traditional Art and Literature

Traditional art and culture are local or group traditional compilations of creations which reveal the way of life of the community, whereby the performance is culturally and socially consistent and transmitted orally through the generations or copied or made similar, such as:

1. local stories, poems, maxims, proverbs;
2. local songs, dances, music;
3. traditional dance, games, rites and competitions;
4. musical instruments, paintings, drawings, sculptures, architectural designs which have been created using local materials and equipment.

Individuals or entities which use traditional works of art literature must protect the source of the traditional performance and preserve its original values.

**Part 5
Related Rights Owner**

Article 88. Related Rights Owner

Related rights owners are as follows:

1. performers;
2. sound-image recording producers;
3. sound-image broadcasters.

Article 89. Rights of Performers

Performers have the following rights:

1. to insert the name of the performer in the performance or on the distribution of the sound-image CD or broadcast;
2. protect images of the performance and not permit others to amend, change, add to or remove elements of the performance, etc. regardless of whichever method is used which would harm the dignity and reputation of the performer;
3. record live performances of the performer onto sound – image CDs;
4. reproduce live performance CDs of the performer directly or indirectly;
5. broadcast sound-images and transmit the non-recorded performance to the public;

6. circulate the recorded performance or copies of such recording to the public through sale, lease or other technical methods which are accessible by the public.

Article 90. Rights of Sound-Image Recording Producers

The sound-image recording producer has the following rights:

1. undertake itself or authorize others to carry out [the following]:
reproduce the sound-image recording directly or indirectly;
circulate original sound-image recordings or copies to the public through sale, lease or other technical methods accessible to the public.
2. enjoy the benefits from the circulation of its sound-image recordings to the public.

Article 91. Rights of Sound-Image Broadcasters

Sound-image broadcasters have the following rights:

1. undertake itself or authorize others to carry out [the following]:

broadcast or rebroadcast its sound-image broadcasts;
distribute its sound-image broadcasts to the public;
record its sound-image broadcasts;
reproduce recordings of its sound-image broadcasts.
2. enjoy the benefits from the distribution and circulation to the public of its sound-image broadcasts.

Article 92. Rights of Investors in the Performance

Investors in the performance have similar rights as the performers as determined in Article 89 of this law.

Part 6

Term of Protection of Copyright and Related Rights

Article 93. Term of Copyright Protection

The term of copyright protection falls under the following categories:

1. The term of copyright protection commences from the date that the work is created and continues throughout the life of the creator plus an additional 50 years commencing from the moment the creator dies. In the event that the work is created jointly, the term of the copyright protection continues throughout the life of the last remaining creator plus 50 years commencing from the moment the last remaining creator dies;

2. In the event that the creator is an entity, the term of copyright protection is 50 years commencing from the date that the work is created.

In the event that the work is advertised, the term of copyright protection shall be 50 years from the date that the work is first published.

In the event that the creator uses a pseudonym and the creator is not known, the term of protection shall be as determined in Paragraph 1 of Item 2 of this Article.

In the event that the identity of the creator who uses a pseudonym is known, the protection shall be as determined in Item 1 of this Article.

3. In the event that there exists an international convention which the Lao PDR is a party or an international agreement to which the Lao PDR is a signatory, the term of protection shall be as determined in such convention or agreement.

Article 94. Term of Related Rights Protection

The term of related rights protection is as follows:

1. for performers the term of protection is 50 years from the date of the performance;
2. for producers of sound-image recordings the term of protection is 50 years from the date of circulation of the sound-image CD. In the event that the work is advertised, the term of protection of the sound-image recording is 50 years from the first date of publication;
3. for sound-image broadcasters the term of protection is 50 years from the date of broadcast;
4. In the event that there exists an international convention which the Lao PDR is a party or an international agreement to which the Lao PDR is a signatory, the term of protection shall be as determined in such convention or agreement.

Part 7
Limitations and Obligations of Copyright and Related Rights

Article 95. Limitations on Copyright Subject to Compensation

For the use of circulated works not subject to approval, but subject to compensation are as follows:

1. use of works circulated by sound-image broadcasters to make sponsored sound-image broadcasts;
2. the person who uses the work as determined in Item 1 of this Article must reveal the name of the owner of the work and source of the work, not affect the rights of the owner of the work and shall not damage the normal rights and interests of the owner of the work;
3. the use of the works determined in Item 1 shall not include films.

Article 96. Limitations on Copyright Not Subject to Compensation

The limitations on copyright which are not subject to compensation are as follows:

1. The use of works circulated without the authorization of the copyright owner and are not subject to compensation are:
 - 1.1 a reproduction of one personal copy for scientific research and personal study;
 - 1.2 appropriate reference to works without making alteration to the content to provide an opinion or an illustration of one's own work;
 - 1.3 a reference from any work without any alteration to the content in order to write a news piece, magazine article, radio program and television program and film documentary (printed matter);
 - 1.4 a reference from any work for non commercial teaching in school without any alteration to the content of such work;
 - 1.5 making a copy of the work to be kept in a library for research purposes;
 - 1.6 the use of the work in a drama and arts show in other forms at merit making events or promotional campaigns free of charge;
 - 1.7 recording and live programs to present news [and] information and public education;
 - 1.8 taking photographs or filming videos, handicrafts, filming activities, and contemporary art in order to make them known to the public;
 - 1.9 translations of works into brail or other characters for people with sight disabilities;
 - 1.10 import of copies of other people's works for personal use.
2. persons who use the works as determined in Item 1 of this Article must indicate the name of the owner of the work and the source of the work, not affect the rights of the owner and not affect the normal interests of the owner of the work;

3. the use of any work determined in Item 1 of this Article shall not include architectural works, handicrafts or computer programs.

Article 97. Limitations on Related Rights Subject to Compensation

The limitations on related rights which are subject to compensation are as follows: not subject to approval, but subject to compensation are

1. individuals or entities who use another person's related rights which are not subject to approval, but subject to compensation as agreed with the owner of the work, the copyright owner, performers, producers of sound-image recordings and sound-image broadcasters, are limited to the following cases:
 - use of sound-image recordings circulated directly or indirectly for commercial benefit aiming to make a sponsored sound-image broadcast;
 - use of circulated sound-image recordings in the operation of business and for commerce.
2. individuals or entities who use the rights as determined in Item 1 of this Article shall not affect the rights of the performer, producer of the sound-image recording and the sound-image broadcaster and shall not affect the rights and normal interests of the performance, sound-image recording, [or] sound-image broadcast.

Article 98. Limitations on Related Rights Not Subject to Compensation

The limitations on related rights which are not subject to compensation are as follows:

1. the use of related rights not subject to authorization and not subject to compensation are:
 - making copies of any single work for scientific research;
 - making copies of any single work for teaching;
 - appropriate reference with the intent to provide information only;
 - temporary sound-image recording after the approval of the owner of the rights.
2. individuals or entities who use the rights as determined in Item 1 of this Article shall not affect the rights of the performer, producer of the sound-image recording and the sound-image broadcaster and shall not affect the rights and normal interests of the performance, sound-image recording, [or] sound-image broadcast.

Article 99. Obligations of the Copyright and Related Rights Owner

The obligations of the copyright and related rights owner shall be implemented pursuant to Article 58 of this law.

Section VI
Intellectual Property Prohibitions

Part 1
Industrial Property Prohibitions

Article 100. Prohibitions on the Industrial Property Owner and the Authorized User

1. The owner of the industrial property has no right to prohibit others from using or doing the following:

- use the invention, utility, industrial design or integrated circuit topography for personal use or education, research or testing, etc. which have no commercial purposes;
- circulate, import, seek benefits from the use of products derived from the industrial property lawfully made available on the domestic and foreign market;
- use an invention, utility or industrial design which is located in a vehicle, including use of equipment and parts for repair, maintenance of a foreign vehicle temporarily passing [through] the territory, airspace and waters of the Lao PDR or in an emergency;
- use of an invention or utility by an individual authorized by the government of the Lao PDR;
- use of an integrated circuit topography where the user did not previously know that such integrated circuit topography was protected;
- use of the same or similar trademark as the geographical indicator where the trademark became protected before the date of filing the geographical indicator application for registration;
- fair use in relation to the name of a person, emblems of each category, quantity, quality, method of use, assessment, source and other characteristics of the goods and services.

2. the owner of the trade secret has no right to prohibit others from doing the following:

- reveal or use the acquired trade secret without previously knowing that the trade secret was acquired by another individual illegally;
- reveal confidential information to protect the public;
- use confidential information relating to pharmaceutical products and agricultural chemicals having no commercial purposes;
- reveal or use similar trade secrets created by others;
- reveal or use trade secrets gained through research, product evaluations which are legally distributed.

Article 101. Prohibitions on Other Individuals or Entities

Other individuals or entities who do not own the industrial property are prohibited from doing the following without the approval of the industrial property owner:

1. manufacture from a protected industrial property;
2. use production methods from a protected industrial property;

3. distribute, advertise, offer for sale, sell, stock for distribution, import, export products derived from a protected industrial property;
4. transfer, authorize the use, lease protected industrial property.

Part 2

Prohibitions on New Plant Varieties

Article 102. Prohibitions on the New Plant Variety Owners and the Authorized Users

The owner of a new plant variety has no right to prohibit others from using the new plant variety for the following purposes:

1. personal non commercial use;
2. testing and research;
3. cultivation into a new breed.

Person's authorized to use new plant varieties are under the same prohibitions as stated above.

Article 103. Prohibitions on other Individuals or Entities

Other individuals or entities who do not own the new plant variety are prohibited from doing any of the following without the prior approval of the new plant variety owner:

1. produce or propagate the protected new plant variety for commercial purposes;
2. use propagation methods for commercial purposes;
3. offer for sale, sell and market the protected new plant variety;
4. import or export the protected new plant variety;
5. stock the new plant variety for the purposes mentioned in Items 1, 2, 3, 4 of this Article.

Part 3

Prohibitions on Copyright and Related Rights

Article 104. Prohibitions on Copyright Owners

The copyright owner has no right to prohibit others from using his work as follows:

1. reproduction for scientific research and teaching;
2. a reference to provide an opinion or an illustration in any work without making alteration to the work;
3. a reference to write a news piece, magazine article, radio program and television program and film documentary (printed matter) without making any alteration to the content of the work;

4. a reference for non commercial teaching in school without any alteration to the content of such work;
5. making a copy of the work to be kept in a library for research purposes;
6. the use of the work in a drama performance and other form of art exhibition in merit making events or promotional campaigns which are free of charge;
7. recording or presenting live programs for providing news [and] information and public education;
8. taking photographs or filming videos, handicrafts, filming activities, and contemporary art in order to make them known to the public;;
9. convert into brail or other characters for people with sight disability;
10. import copies for personal use.

Authorized users are under the same prohibitions as stated above.

Individuals or entities who use the rights determined in this Article shall not damage the copyright owner.

Article 105. Prohibitions on Related Rights Owners

The related rights owner has no right to prohibit other persons from using their work as follows:

1. making copies for scientific research and teaching;
2. making references only for the provision of information;
3. making a temporary sound image recording with the approval of the owner of the rights.

Authorized users are under the same prohibitions as stated above.

Individuals or entities who use the rights determined in this Article shall not damage the copyright owner.

Article 106. Prohibitions on other Individuals or Entities

Individuals who are not the copyright and related rights owner are prohibited from doing any of the following without the prior approval of the owner of the rights:

1. use artistic, literature and scientific works of others;
2. claim that oneself is the creator of the work;
3. publish works without the approval of the owner;
4. publish works of a joint creator without the approval of the joint creator;
5. modify, add to, or remove any part of a work regardless of the method which will affect the dignity and reputation of the creator;
6. make copies of works of a creator or owner of the rights;
7. make derivative works of a creator or owner of the rights, except for types of use determined in Article 104, Item 9 of this law;
8. seek benefit from any work of the copyright owner;
9. lease a work;

10. make copies, produce, advertise, perform or transmit the work to the public over a sound-image broadcasting network or by using modern technical equipment;
11. circulate any work of a copyright owner;
12. cancel or intentionally make the technical measures implemented by the copyright owner to protect its copyrighted work inoperable;
13. intentional examination or modification of electronic data used in the operation of the copyright of the work;
14. produce, compile, alter, distribute, import, export, sell or lease any parts of equipment with the intent to destroy protective technical measures implemented by the copyright owner to protect its work whether [the individual] knew or should have known that such equipment was used to make any protection inoperable;
15. counterfeit a work by copying the name or signature of the creator and sell it;
16. import, export, advertise, or make copies of the work;
17. use the name of the performer, the sound-image recording producer, sound-image broadcaster;
18. publish, produce or transmit a performance, sound-image recording, sound-image broadcast to the public;
19. alter, add to or remove part of a performance regardless of the method that would harm the dignity and reputation of the performer;
20. reproduce or edit a performance recording, sound-image recording, sound-image broadcasting;
21. alter the electronic format data control rights;
22. intentionally cancel or make electronic copyrights protection methods inoperable;
23. distribute, import for distribution, broadcast sound-images, transmit, make copies of sound-image recordings of public performances whether [the individual] knew or should have known that the work had been altered without the approval of the copyright owner;
24. produce, compile, alter, distribute, import, export, sell or lease any part of equipment whether [the individual] knew or should have known that such equipment part had been used unlawfully to unlock the encoding of satellite transmissions;
25. record or circulate encoded satellite transmissions for commercial purposes without the approval of the lawful authorized distributor.

Article 107. Prohibitions on Officers who are Responsible for Intellectual Property Activities

Officers who are responsible for intellectual property activities are prohibited from doing the following:

1. showing a lack of responsibility and neglecting [one's] duties;
2. carrying out duties unfairly or showing partiality towards an individual or entity;

3. reveal intellectual property information without authorization;
4. using one's position, duties, [or] authority for personal, family, [or] distant family gain;
5. other illegal activities.

Section VII

Violation of Intellectual Property and Unfair Competition

Article 108. Violation of Industrial Property Rights

Violation of patents, industrial designs and integrated circuit topographies are as follows:

1. use of inventions, utilities, industrial designs, integrated circuit topographies which are protected and remain under the term of protection without the authorization of the owner of the rights;
2. use of inventions, utilities, industrial designs, integrated circuit topographies without compensating the owner of the rights.

Violation of trademarks are as follows:

1. use of symbols which are the same as marks used with protected goods or services;
2. use of symbols which are the same as or similar to marks used with protected goods or services leading to consumer misunderstanding about those goods or services;
3. using symbols on goods or services which are the same as or similar to reputable marks⁵;
4. the use of symbols through translation or written in other languages on goods or services preserving the original idiom of the reputable mark.

Violations of geographical indicators are as follows:

1. unlawful use of geographical indicators which is incompatible with regulations governing geographical indicators;
2. use of geographical indicators on products which are similar to products whose geographical indicator [are] protected with the intent of gaining from the reputation and popularity of the geographical indicator;
3. the use of symbols which are the same as or similar to protected geographical indicators for products which do not come from a location of that geographical indicator causing consumer misunderstanding.

Article 109. Violation of New Plant Variety Rights

Violations of new plant variety rights are as follows:

⁵ 'Marks' probably refers to 'trademarks'.

1. use of protected new plant varieties which are still under the term of protection without the authorization of the owner of the rights;
2. use of a new plant variety without compensating the owner of the rights;
3. use of a plant variety name which is the same as or similar to the name of a new plant variety in the same group which is already protected.

Article 110. Violation of Copyright or Related Rights

Violations of copyright are as follows:

1. the use of another person's artistic, literature or scientific work without the approval of the owner of the rights;
2. claiming that oneself is the creator of another person's work;
3. publication of any work without the permission of the owner of the rights;
4. publication of a joint creator's work without the permission of the joint creators;
5. alteration, addition or removal of any parts of any work regardless of the method, which harms the dignity and reputation of the creator;
6. copying a work without the authorization of the creator or copyright owner;
7. creation of a derivative work without the authorization of the creator or copyright owner in the use of such derivative work;
8. seeking benefit from any work without the authorization of the copyright owner [and] without compensating or providing other material benefits;
9. leasing a work without providing compensation or material benefits to the owner of the work or copyright owner;
10. copy, produce, advertise, perform or transmit a work to the public over a sound-image broadcasting network or using modern technical equipment without the authorization of the copyright owner;
11. circulation of any work without the authorization of the copyright owner;
12. intentional cancellation or making technical methods which the copyright owner has implemented to protect the copyrighted work inoperable;
13. intentional detection or alteration of electronic data [used] in the control of the copyright of that work;
14. produce, compile, alter, distribute, import, export, sell or lease any part of equipment whether knowing or should have known that such equipment part has been used to make technical protection methods which the copyright holder implemented to protect its own work inoperable;
15. make and sell works unlawfully by falsifying the signature of the creator;
16. import-export, advertise, copy works without the authorization of the copyright owner;

Violation of related rights are as follows:

1. claiming to be the performer, producer of the sound-image recording, sound-image broadcaster;

2. publication, production and transmission of a performance, sound-image recording, sound-image broadcasting to the public without the authorization of the performer, producer of the sound-image recording, [or] sound-image broadcaster;
3. alteration, addition, removal of any part of a performance regardless of the method which harms the dignity and reputation of the performer;
4. reproduction, editing of a performance, sound-image recording, sound-image broadcast without the authorization of the performer, sound-image producer, [or] sound-image broadcaster;
5. alteration of rights of electronic data management without the authorization of the copyrights owner;
6. intentional termination or making technical methods which the copyright owner has implemented to protect the copyrighted work inoperable;
7. distribute, import for distribution, broadcast sound-images, transmit, make copies of sound-image recordings of public performances whether knowing or should have known that the work has been altered without the approval of the copyright owner;
8. produce, compile, alter, distribute, import, export, sell or lease any part of equipment whether knowing or should have known that such equipment part has been used unlawfully to unlock the encoding of satellite transmissions ;
9. intentionally record or circulate encoded satellite transmissions for commercial purposes without the approval of the lawful authorized distributor.

Article 111. Unfair Competition

All unfair industrial or commercial competition is illegal and deemed unfair.

Unfair competition is the commission of any of the following acts against another individual:

1. create confusion relating to the products and services under trademarks, trade names or service names and industrial designs;
2. damage the reputation and trust in trademarks, trade names or service names and industrial designs;
3. create misunderstanding amongst the public relating to production procedures, [and] facts concerning quality, quantity, other characteristics, source, conditions of reciprocation and prices of products or services;
4. misrepresent production procedures, [and] facts concerning quality, services, other characteristics, conditions of reciprocation and prices of products or services;
5. reveal trade secrets without the authorization of the owner of the rights about the acquisition, [reveal] the use of trade secrets through investigation of industrial or commercial trade secrets, reveal [information about] the termination of contracts, [and reveal] lack of trust or acquisition of confidential information through a third party.

Section VIII
Dispute Resolution and Violation Remedies

Article 112. Forms of Dispute Resolution

Intellectual property dispute resolution which involves the violation of the rights of the intellectual property owner shall be undertaken through administrative procedures or through the courts.

Dispute resolution through administrative procedures and through the courts shall be undertaken in accordance with Articles 115 and 117 of this law.

Article 113. Forms of Violation Remedies

Intellectual property violation remedies can be carried out in the following ways:

1. negotiation between the owner of the rights and the violator;
2. administrative remedy;
3. remedy through economic dispute tribunal;
4. court proceedings;
5. international arbitration.

Article 114. Negotiation

The intellectual property owner may negotiate with the violator when it sees a violation of its rights.

Article 115. Administrative Remedy

The intellectual property owner may request the intellectual property supervision authority to remedy the violation of its intellectual property.

Article 116. Remedy through Economic Dispute Tribunal

Where failure of the intellectual property supervision authority to remedy administratively, the intellectual property owner may request an economic dispute tribunal to mediate and reach a decision.

Article 117. Court Proceedings

When intellectual property disputes are unable be remedied administratively or through an economic dispute tribunal, the intellectual property owner may initiate court proceedings.

Article 118. International Arbitration

Intellectual property disputes of an international nature shall be remedied under the relevant international conventions and regulations.

Section IX
Management and Inspection

Part 1 Management

Article 119. Intellectual Property Supervision Authority

The government manages intellectual property in a centralized and unified [manner] throughout the country assigning the National Authority for Science and Technology as the central coordinator with the relevant sectors, such as the Industry and Commerce, Agriculture and Forestry, Information and Culture, Education, Public Health, Finance sectors and other sectors.

The other sectors and authorities have the rights and duties to manage intellectual property according to their role.

The intellectual property supervision authority includes:

1. the National Authority for Science and Technology;
2. the provincial, capital authority for science and technology.

If required town and municipal science and technology offices will be established.

Article 120. Rights and Duties of the National Authority for Science and Technology

In the management of intellectual property the National Authority for Science and Technology has the following rights and duties:

1. study strategies, policy plans, laws and plans involving the development of intellectual property works for proposal to the government for consideration;
2. issue regulations, agreements, instructions, recommendations and notices involving intellectual property activities;
3. circulate and create a conscience within society about intellectual property activities;
4. guide, monitor and evaluate the implementation of intellectual property activities throughout the country in accordance with its role;
5. register and provide intellectual property services;
6. issue or cancel intellectual property registration certificates and issue licenses to any individual or entity which provides intellectual property services or cancel the license;
7. resolve disputes and violations of intellectual property rights;
8. train and raise the level of private sector and state employees involved in intellectual property activities;
9. coordinate with the relevant sector authorities and local administrations at the different levels to establish intellectual property activities management;
10. participate and cooperate at the international level in intellectual property;

11. report on the implementation of intellectual property activities regularly to the government;
12. perform other rights and duties as determined in the laws.

Article 121. Rights and Duties of the Provincial, Capital Authority for Science and Technology

In the management of intellectual property[,] the provincial, capital authority for science and technology have the following rights and duties:

1. expand policy plans, laws [and] regulations and plans involving the development of intellectual property activities of the National Authority for Science and Technology and implement them as their own;
2. circulate policy plans, laws [and] regulations and plans involving the development of intellectual property activities of the National Authority for Science and Technology, its own regulations and plans and create a conscience within society about intellectual property activities;
3. resolve disputes and violations of intellectual property rights;
4. coordinate with the relevant provincial, city authorities in the implementation of intellectual property tasks;
5. report on the implementation of intellectual property tasks to the National Authority for Science and Technology and provincial, city administrative authorities regularly;
6. perform other rights and duties as determined in the laws [and] regulations.

**Part 2
Inspection**

Article 122. Intellectual Property Inspection Authority

Intellectual property inspection authorities include:

1. The internal inspection authority which is the same authority as the intellectual property supervision authority described in Article 119 of this law.
2. The external inspection authorities, comprising:
 - the State Inspection Authority;
 - the State Investigation Authority.

Article 123. Rights and Duties of Inspection Authorities

The internal and external inspection authorities have the rights and duties to inspect the implementation of intellectual property activities within the scope of their responsibilities.

Article 124. Inspection of Intellectual Property at Border Checkpoints

In order to intercept intellectual property violations, customs officers and other officers assigned to border checkpoints have the rights and duties in accordance with laws [and] regulations to inspect goods imported and exported, seize and impound [goods] which violate intellectual property.

Article 125. Forms of Intellectual Property Inspections

Inspection of intellectual property is carried out in the following three forms:

1. normal inspections;
2. inspection after advance notice;
3. surprise inspection

Normal inspections are fixed, regular planned inspections.

Inspections after an advance notice are not planned and are carried out where considered necessary, hence the advance notice.

Surprise inspection, is a surprise inspection whereby the inspected party isn't notified.

Article 126. Inspections by other Authorities

Other authorities have the right and duty to carry out intellectual property inspections according to their role which are determined in separate regulations.

Section X

Policies for Good Performers and Measures Against Violators

Article 127. Policies for Good Performers

Individuals or entities showing good performance in the implementation of the Law on Intellectual Property, such as management and inspection of intellectual property shall be awarded merits or other policies according to rule.

Article 128. Policies for Inventors and Creators

Individuals or entities who show good performance in invention and creation will be awarded merits, awards and other policies according to rule.

Article 129. Measures Against Violators

Individuals or entities who violate the Law on Intellectual Property will be subject to training, disciplinary action, fines, civil compensation, or criminal punishment on a case by case basis.

Article 130. Training Measures

Individuals or entities who violate the Law on Intellectual Property for the first time which is an unintentional violation and resulted in damages of less than 500,000 Kip will be warned and trained.

Article 131. General Measures

Officials and officers who violate the Law on Intellectual Property and minor prohibitions which are not criminal offences and result in damages of less than 500,000 Kip, but who failed to report the violation, [or] avoided the violation will be subject to disciplinary action as follows:

1. warned under civil service regulations and have the violation recorded;
2. promotion, salary raise and merits shall be suspended;
3. removed or transferred to a lesser position and duties;
4. removed from the Civil Service without any benefits.

Article 132. Fines

Individuals or entities who violate the Law on Intellectual Property either intentionally or commit second unintentional violation and which is a non criminal offense shall be fined at twice the value of the damages.

Article 133. Civil Procedures

Individuals or entities which violate the Law on Intellectual Property which result in damages against third parties shall compensate for such damages.

Article 134. Criminal Procedures

Individuals or entities who violate intellectual property rights, counterfeit, cheat, practice unfair competition which results in damages against third parties will be imprisoned between three months to five years and fined between 500,000 – 5,000,000 Kip.

In the event of other offences which are criminal in nature the violator will be punished under criminal proceedings.

Article 135. Additional Punishment

Other than the basic punishments provided for in Articles 130, 131, 132, 133 and 134 of this law, the violator may be subject to additional punishments, such as: suspension, withdrawal of business license, seizure of goods and equipment related to the offence.

Section XI
Final Provisions

Article 136. Implementation

The government of the Lao People's Democratic Republic shall implement this law.

Article 137. Effectiveness

This law shall be effective 90 days after the President of the Lao People's Democratic Republic issues the promulgating decree.

Regulations, [and] provisions which contradict this law are hereby repealed.

President of the National Assembly
[signed and sealed]

Thongsing THAMAVONG