

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 inventions, creativities, knowledge-based economy, management and protection of intellectual property rights, in order to ensure the interests of the owner of intellectual property and the interests of society, encourage the research and develop science and technology, the transfer of technology within the country and from abroad, effectively promote trade, investment and the competitiveness for the national economy in the era of globalization, aiming to contribute in the gradual industrialization and modernization of the country.

Article 2. Intellectual Property

Intellectual property is work of the human mind through inventions and creations having economic value and benefit in social development.

Article 3. Definitions

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

1. **Intellectual property rights** mean the rights of individuals or organizations to their intellectual property;
2. **Industrial property** means works derived from the human mind which has invented for use in the industrial, handicrafts, agricultural, fisheries, commercial and service sectors;
3. **Industrial property rights** means the rights of individuals or organizations relating to inventions, utility innovation, industrial designs, trade marks, layout-designs of integrated circuits, geographical indications and trade secrets;
4. **Patent** means the official certificate issued by the state organization to protect inventions;
5. **Invention** means the technical solution to create new product or method of production to resolve a specific problem;
6. **Petty patent** means the official certificate issued by the state organization to protect utility innovation.

7. **Utility innovation** means a new innovative 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, pattern, line, color, etc.;
9. **Mark** means any sign which may be an image, word, letter, number, signature, name of person, color, form or shape of an item or any one of the above mentioned or a combination, etc... to use or to be used as a trademark;
10. **Trademark** means the mark provided for in Item 9 of this Article to use with goods and services as well as to distinguish 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 organizations for use with their goods or services in order to certify the characteristic which relate to the origin, raw materials and production methods of the goods or methods of services supply, type, quality, safety or other characteristics of the goods or services;
13. **Well-known mark** means a trademark which is widely recognized within the territory of the Lao PDR, in other countries, the region and the world;
14. **Trade name** means the name of an enterprise use in business to distinguish between its enterprise and other enterprises which operate in the same business sector;
15. **Integrated circuit** means a product, in its final form or an intermediate form in which the elements at least one of which is an active element and

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 is not contrary to national defense, public security, 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 owner of intellectual property;
2. protection of industrial property in the Lao PDR shall be applicable when the owner of industrial property has registered its industrial property;
3. copyright and related rights are protected immediately after the work in artistic and literary domain is created, including scientific works;
4. all use of intellectual property for commercial purpose must first be authorized by the owner of the rights;
5. in the case 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 organizations 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 independence, sovereignty, mutual benefit for the development and management of intellectual property activities, technical expertise exchange; the exchange of technology, information, to enhance the level of personnel, participation and implementation of international conventions and agreements to which the Lao PDR is a party.

**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. layout-design of integrated circuits;
6. geographical indications;
7. trade secrets.

Article 10. Plants Varieties

Plants varieties include:

1. 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. copyrights to the works in artistic domain, literary domain, and scientific domain including computer programs;
2. related rights to the works of performers, production of integrated circuits;

rel TDrs,2006(3)D(62)T4(tTwo py, rights=2001(F)003 copyrig(t

2. the invention involves an inventive step, meaning that the invention is related to a previous invention whereby the person having knowledge in that field can understand;
3. can be applied in production, meaning that the invention can be applied usefully in industry, handicraft, agriculture, fishery, services, etc.

Article 14. Requirements for Obtaining a Petty Patent

The requirements to be met in order for a utility innovation 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 not been disclosed to the public by publication or by use or displayed, or in 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, which may be in the form of letters, words, numbers, pictures, drawings, photographs, names of persons, signatures, shapes including three dimensional objects, groups of colors or a combination of such or one or more colors;
2. a mark not displaying any of the characteristics prohibited under Article 23 of this law;
3. a mark not identical with or similar to a trademark previously registered by another person.

Article 17. Requirements for Well-Known Trademarks

Any trademark shall be deemed well-known when it meets the following requirements:

1. consumers recognize the trademark by way of trade, use of the product, goods, services bearing the trademark or through widespread advertising;
2. the products, goods, services are widely circulated bearing the trademark within the territory;
3. items from the sale of goods or supply of services bearing the trademark or the volume of goods sold, wide provision of services;
4. the period of use of the trademark shall be regular and continuous;
5. goodwill in use of the trademark with the products, goods, services having 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 well-known trademarks whether registered or otherwise

Inventions or utility innovation which are ineligible for patents or petty patents are: discoveries of existing things, discoveries of rules and scientific theories, mathematical methods, schemes, rules or methods for doing business, playing games, mental treatment, medical treatment of humans or animals, microorganisms and any part thereof which exist in the nature or which can be extracted from animals or plants, inventions and utility innovation which are contrary to national defense and public security, sanitation, 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 shape of industrial designs that is dictated by its technical features of the designs;
2. industrial designs that are contrary to 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 distinguish between products, goods and services of an individual or organization from those of other individuals or organizations;
2. marks which are misleading the public or trade circles or which are of a fraudulent nature relating to the origin, characteristics, quality, including value or other characteristics of their products, goods or services;
3. marks which are imitations, fakes which mislead the consumer or user;
4. marks which contain national emblems, flags, cultural symbols or historical monuments, images of national heroes, images of leaders, 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 identical, or similar to trademarks of any goods or services already registered;
7. marks which are contrary to national security, social order, laws and regulations, culture and the fine traditions of the nation.

Article 24. Layout-designs of Integrated Circuits Ineligible for Registration

Layout-designs of integrated circuits ineligible for registration are as follows:

1. principles, processes, systems or methods operated by integrated circuits;
2. information or software contained in the integrated circuits.

Article 25. Geographical indications Ineligible for Registration

Geographical indications ineligible for registration are as follows:

1. names of geographical indications which have become generic names of goods in the Lao PDR;
2. foreign geographical indications which are not protected or have not been used for a long period;
3. geographical indications which are identical with or similar to protected trademarks which leads to misunderstanding as to the origin of the said goods;
4. geographical indications which misleading consumers as to the true source origin of products.

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, national defense, public security 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 organizations may apply for registration of their industrial property with the intellectual property administration authority or with an international intellectual property registration organization to which the Lao PDR is a party.

Individual or organization 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 .7(a)-85ndividuals, sc-0.02()65 8(d for orele(uisha)2e
ATJ1D.001tion Tj12.635 0 T0.0 r ra(6 - whichiat

The rules 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 Utility innovations

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

1. a request for registration of the invention;
2. power of attorney;
3. description;
4. claims;
5. drawings;
6. abstract;
7. certification of priority date;
8. receipt of payment of fees.

One registration application is valid for only one invention or utility innovation 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 from the date of filing the application and the translation must be certified.

Article 31. Applications for Registration of Industrial Designs

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

1. a request for registration of the industrial design;
2. power of attorney;
3. drawings, photographs or lines that comprise the industrial design which are used for any specific products;
4. sample of the industrial design;
5. certification of priority date;
6. receipt of payment of fees.

One registration application is valid for the industrial design of the same set in the same class of the international classification.

In the case 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 registration of trademarks shall include the following documents:

1. a request for registration of the trademark;
2. power of attorney;
3. a sample of the trademark or service mark;
4. regulations for use of the mark;

5. certification of priority date;
6. receipts of payment of fees.

One registration application is valid for only one trademark in one class of goods or services under the international classification.

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

Article 33. Applications for Registration of Layout-designs of Integrated Circuits

Applications for registration of layout-design of integrated circuit shall include the following documents:

1. a request for registration of layout-design of integrated circuit ;
2. power of attorney;
3. description;
4. claims;
5. drawings and photographs of layout design of integrated circuit and a sample of the semi-conductors;
6. abstract;
7. certification of priority date;
8. receipts of payment of fees.

One registration application is valid for only one layout-design of integrated circuit 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 from the date of filing the application and the translation must be certified.

Article 34. Applications for Registration of Geographical Indications

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

1. a request for registration of the geographical indication;
2. power of attorney;
3. a copy of the geographical indication registration certificate abroad;
4. receipts of payment of fees.

One registration application is valid for only one geographical indication 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 from the date of filing 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 examination report of the industrial property abroad;
2. a copy of the industrial property registration certificate obtained abroad.

Article 36. Filing and Receiving Industrial Property Registration Applications

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

1. application for registration of the invention, utility innovation, industrial design, trademark, layout-design of integrated circuit and geographical indication;
2. specifications, including the scope of protection for registration applications of invention or utility innovation; for registration applications of industrial design, photographs or drawings; for the registration of trademark, samples of mark and list of goods or services used with such mark; for the registration of geographical indication, explanation of the specific characteristics of the geographical indication;
3. receipt of payment of fees.

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

Article 37. Formality Examination of Industrial Property Registration Applications

The formality examination of industrial property registration applications involves the following steps:

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

After the formality 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 formality examination of the invention or utility innovation registration application; the registration unit will publish the application

in the official industrial property gazette in the 19th month after the date of filing the application or after the priority date.

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

In the case that the applicant is unable to provide substantive examination reports of the invention or utility innovation which is under application for registration, the applicant may submit a request to the registration unit to examine as to substance the application. The registration unit will undertake the examin

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

Part 4

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 filing 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

Part 6
Limitation of Rights on Industrial Property

Article 53. Exercising of Rights on Patents or Petty Patents

In cases where it is necessary for the national defense, public security, food nutrition, sanitation of the Lao public without any commercial purposes, the government can authorize any other individuals and organizations to exploit the patent or petty patent without the consent of the patent or petty patent owner but such exploitation shall be based within the scope of approval of the government, but the patent or petty patent owner must be notified and an adequate remuneration 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 remuneration which it deems unreasonable within 60 days of receipt of the notification order.

In the case that the country falls into a state of emergency due to a national disaster or war,

due reason, the intellectual property administration authority will order the suspension of the exploitation of such geographical indication.

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.

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

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

1. Novelty, the new plant variety has not been sold or disposed in the Lao PDR for a period of one year before the date of filing an application;
- 2.

The rules 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. Application for Registration

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

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

One registration application 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 from the date of filing the application and the translation must be certified.

Article 66. Provision of Additional Information

When required by the registration unit in th

Article 70. Term of Protection of the New Plant Varieties

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

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

Part 4

- 1.1 drawings, paintings, carvings, tapestry or embroidery and other works of fine art;
 - 1.2 sculptures, engravings and other works of sculpture;
 - 1.3 designs of buildings or construction, internal or external decorations designs and other architectural works;
 - 1.4 photographs using technical methods;
 - 1.5 illustrations, maps, plans, sketches and three dimensional works relative to geography, topography or scientific;
 - 1.6 dramatico-musical works, pantomimes or drama, choreographic works and other works created for performance;
 - 1.7 music, meaning works of rhythm, and lyrics or scales, including edited notes or tunes;
 - 1.8 phonogram meaning recording works into recording equipment, such as: records, cassettes, video cassettes, laser discs, CD Roms, video discs, DVDs, MP3s, MP4s or other recording methods;
 - 1.9 film, meaning an audiovisual work which consist sequence of images which can be continuously projected as moving pictures and can be recorded upon other materials so as to be also continuously projected as moving pictures including the sound tracks of such film.
2. Works of literature means various works, such as:
 - 2.1 books, thesis, brochures, magazines, printed matters and other writings works;
 - 2.2 speeches, addresses, discourses, sermons, lessons, and other oral works;
 - 2.3 dramas, stories;
 - 2.4 computer programs and data compilations.

Article 75. Derivative Works

Derivative works are translations of works from any language into the Lao language or another language or from the Lao language into another language, modifications, adaptations, transformations, 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 just for the purpose of news communication;
2. legislations, administrative regulations, judicial documents and official translations;
3. methods, systems, methods of operation, definitions, principles and statistics.

Part 2
Related Rights Requirements

Article 77. Persons Eligible for Protection of Related Rights

Persons eligible for protection of related rights shall be:

1. actors, singers, musicians, dancers, and others who perform works in artistic and literary domain and are called performers;
2. individuals or organizations which produce the phonogram of a performance for the first time and are called the producer of phonograms;
3. the organizations which initiated and made the radio broadcast, image broadcast or sound-image broadcast and are called broadcasting organizations.

Article 78. Requirements for Protection of Related Rights

Protected related rights are:

1. Performances:
 - 1.1 performances by Lao citizens, aliens or stateless persons in the country or abroad;
 - 1.2 performances by foreign nationals in the Lao PDR;
 - 1.3 performances which are protected under international conventions which the Lao PDR is a party.
2. Phonograms:
 - 2.1 producer of phonogram who is national of Lao PDR;
 - 2.2 phonograms which are protected under international conventions to which the Lao PDR is a party.
3. Broadcast a satellite signal carrying encrypted programs:
 - 3.1 broadcast satellite signal carrying encrypted program of broadcasting organizations which are nationals of Lao PDR;
 - 3.2 broadcast satellite signal carrying encrypted program of the broadcasting organizations which are protected under T2 1 T,5. or statel

Article 80. Application for Notification of Copyright or Related Rights

Application for notifications of copyright or related rights include:

1. a request for notification of copyright or related rights;
2. the created copyright or related rights work;
3. other related evidence, such as: copy of identification card, enterprise registration certificate (in case that the applicant is an organization), power of attorney (in case 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 application for notification of copyright or related rights, 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 not determine the rights of the applicant.

**Part 4
Copyright Owner**

Article 82. Copyright Owner

The copyright owner is the following individual or organization:

1. the author;
2. the joint author;
3. the individual or organization which hired the author;
4. assignee 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 artistic and literary works;
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. to use its real name, pseudonym or pen name;
3. to perform the work in public;
4. to publish the work or permit others to publish the work;
5. to reproduce or modify the work;

6. to circulate the original work or a copy of the work to the public;
7. to communicate the work to the public through a wired or wireless communications system through electronic information network or by other technical means;
8. to create derivative works;
9. to lease the original work or a copy of the film or computer program;
10. to provide interests in the copyright to others, such as: assign the copyright to another person for research;
11. to protect the whole part of the work, to prohibit any person from alteration, addition, mutilation, or other modification in any form to such work that would be prejudicial to the dignity and reputation of the copyright owner.

Article 85. Film and Drama Copyright Owner

The film and drama copyright owner includes:

- 1.

the expression appropriate to its cultural and social characters and its criteria and value are handed down orally through the generations or by imitation or made similar, such as:

1. folk tales, poems, riddles, proverbs;
2. folk-songs, traditional opera, instrumental folk music;
3. folk-dance, traditional plays, ceremonial rites and traditional competitions;
4. musical instruments, paintings, drawings, carvings, architectural designs which have been created using local materials and equipments.

Individuals or organizations which use traditional artistic and literary works must indicate the origin of those expressions of folklore and preserve their original values.

Part 5 Related Rights Owner

Article 88. Related Rights Owner

Related rights owners are as follows:

1. performers;
2. phonogram producers;
3. broadcasting organizations.

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 audio-visual disc or broadcasting such performance;
2. to protect the performance images and not permit others to modify, transform, add or mutilate to such performance in any form that would be prejudicial to the dignity and reputation of the performer;
3. to record live performances of the performer onto audio-visual discs;
4. to reproduce live performance of the performer onto audio-visual discs directly or indirectly;
5. to broadcast and communicate the non-recorded performance to the public;
6. to circulate the 2.25dpr93-1(nce oiiunntalr (nce oiiunntalr (ncewal0.0003 Tc-0.0003 Tw[(mu

2. to enjoy the benefits from the distribution of its phonogram to the public.

Article 91. Rights of Broadcasting Organizations

Broadcasting organization has the following rights:

1. to carry out itself or authorize others to carry out the following:
 - 1.1 to broadcast or rebroadcast its broadcasts;
 - 1.2 to distribute its broadcasts to the public;
 - 1.3 to record its broadcasts;
 - 1.4 to reproduce a recordings of its broadcasts.
2. to enjoy the benefits from the recording, distribution and communication to the public of its 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 starts from the date that the work is created and continues during the life of the author plus 50 years starting from the date of death of the author. In the case that the work is created jointly, the term of the copyright protection continues during the life of the last surviving author plus 50 years starting from the date of death of the last surviving author;
2. In the case that the author is an organization, the term of copyright protection is 50 years starting from the date that the work is created.

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

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

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

3. In the case that there is 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 phonograms the term of protection is 50 years from the date of publication of the phonogram. In the case that the work is published, the term of protection of the phonogram is 50 years from the date of the first publication;
- 3.

- 1.3 quoting from a work without alteration to the content for use in articles, periodical journals, radio programs and television programs and documentary films;
- 1.4 quoting from a work for teaching in schools for non commercial purpose and without alteration to the content of such work;
- 1.5 copying a work for keeping in a library for the purposes of research;
- 1.6 performing dramatic works and other forms of performing arts at cultural gatherings or promotional campaigns without any form of charges;
- 1.7 recording and reporting live programs for the purposes of providing news and education to the public;
- 1.8 taking photographs or filming the works of fine art, photographic, and applied art that have already been display to the public;
- 1.9 translating a work into Braille

- 1.4 making temporary phonogram after obtaining authorization of the owner of the rights.
2. individuals or organizations who use the rights as stipulated in Item 1 of this Article shall not prejudice the rights of the performer, producer of phonogram and broadcasting organization and shall not affect the normal exploitation of the performance, phonogram, and broadcasting program.

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:
 - 1.1 using the invention, utili-81J8.425owing:

- 2.2 disclosing confidential information to protect the public;
- 2.3 using confidential information relating to pharmaceutical products and agricultural chemicals having no commercial purposes;
- 2.4 disclosing or using similar trade secrets created by others;
- 2.5 disclosing or using trade secrets gained through research, product evaluations which are legally distributed.

Article 101. Prohibitions on other Individuals or Organizations

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

1. to manufacture from a protected industrial property;
2. to exploit production methods from a protected industrial property;
3. to distribute, advertise, offer for sale, sell, stock for distribution, import, export products derived from a protected industrial property;
4. to 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. experimental and research;
3. breeding into a new variety.

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

Article 103. Prohibitions on other Individuals or Organizations

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

1. producing or propagating the protected new plant variety for commercial purposes;
2. using propagation methods for commercial purposes;
3. offering for sale, selling and marketing the protected new plant variety;
4. importing or exporting the protected new plant variety;
5. stocking 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. reproducing for the purposes of scientific research and teaching;
2. quoting a work without alteration to the content for commentary or an illustration in one's own work;
3. quoting from a work without alteration to the content for use in articles, periodical journals, radio programs and television programs and documentary films;
4. quoting from a work for teaching in schools for non commercial purpose and without alteration to the content of such work;
5. copying a work for keeping in a library for the purposes of research;
6. performing dramatic works and other forms of performing arts at cultural gatherings or promotional campaigns without any form of charges;
7. recording or reporting live programs for the purposes of providing news and education to the public;
8. taking photographs or filming the works of fine art, photographic and applied art that have already been display to the public;
9. translating a work into Braille or other characters for people with sight disabilities;
10. importing of copies for personal use.

Authorized users are under the same prohibitions as stated above.

Individuals or organizations who use the rights determined in this Article shall not prejudice 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 phonogram with the authorization of the owner of the rights.

Authorized users are under the same prohibitions as stated above.

Individuals or organizations who use the rights stipulated in this Article shall not prejudice the copyright owner.

Article 106. Prohibitions on other Individuals or Organizations

24. producing, assembling, altering, distributing, importing, exporting, selling or leasing an item of equipment when knowing or should have known that such equipment is used illegal decoding of satellite signal carrying encrypted program;
25. recording or disseminating of a satellite signal carrying encrypted program for commercial purposes without the authorization of the lawful distributors.

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 organization;
3. reveal intellectual property information without authorization;
4. abusing one's position, duties, authority for personal, family or relative interests;
5. other illegal activities.

Section VII

Violation of Intellectual Property and Unfair Competition

Article 108. Violation of Industrial Property Rights

Violation of patents, petty patent, industrial design and layout-design of integrated circuit are as follows:

1. exploitation of inventions, utility innovations, industrial designs, layout-designs of integrated circuits which are protected and remain under the term of protection without the authorization of the owner of the rights;
2. exploitation of inventions, utility innovations, industrial designs, layout-designs of integrated circuits without remuneration the owner of the rights.

Violation of trademarks is as follows:

1. using signs which are the same as marks used with protected goods or services;
2. using signs 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 signs on goods or services which are the same as or similar to well-known marks;
4. using signs through translation or written in other languages on goods or services preserving the original idiom of the well-known mark.

Violations of geographical indications are as follows:

1. unlawful using of geographical indications which is inappropriate with regulations governing geographical indications;
2. using of geographical indications on products which are similar to products whose geographical indications are protected with the intent of gaining from the reputation and popularity of such geographical indication;
3. using of signs which are the same as or similar to protected geographical indications for products which do not come from a location of that geographical indication which misleading the consumers.

Article 109. Violation of New Plant Variety Rights

Violations of new plant variety rights are as follows:

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

13. intentionally erasing or amending electronic information used on copyrights management of the work;
14. producing, assembling, altering, distributing, importing, exporting, selling or leasing an item of equipment with the intent to invalidate the protective technical measures applied by the copyright owner to protect its work, when knowing or should have known that such equipment is used to make the protection inoperable;
15. falsifying and selling works by forging the signature of the author;
16. importing, exporting, disseminating copies of a work without the authorization of the copyright owner;

Violation of related rights is as follows:

1. claiming to be the performers, producers of phonograms, broadcasting organizations;
2. publishing, producing or communicating of performances, phonograms, broadcasts to the public without the authorization of the performers, producers of phonograms, broadcasting organizations;
3. modifying, adding or mutilating performances in any form which prejudice the dignity and reputation of the performer;
4. reproducing, extracting of fixed performances, phonograms, broadcasts without the authorization of the performers, producers of phonograms,

1. creating confusion relating to the products and services under trademarks, trade names or service names and industrial designs;
2. damaging the reputation and trust in trademarks, trade names or service names and industrial designs;
3. misleading the public relating to production procedures, and facts concerning quality, quantity, other characteristics, origin, conditions of reciprocation and prices of products or services;
4. degenerating production procedures, and facts concerning quality, quantity, services, other characteristics, conditions of reciprocation and prices of products or services;
5. revealing trade secrets without the authorization of the owner of the rights about the acquisition, reveal the use of trade secrets through spy of industrial

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

Article 117. Court Proceedings

When intellectual property disputes are unable be remedied administratively or through an economic dispute resolution committee, 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 Administration Authority

The government manages intellectual property in a centralized and unified principle 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. to study strategies, policy plans, laws and plans involving the development of intellectual property works for proposal to the government for consideration;
2. to issue regulations, decisions, instructions, recommendations and notices involving intellectual property activities;
3. to disseminate and organize a public awareness within society about intellectual property activities;

4. to guide, monitor and evaluate the implementation of intellectual property activities throughout the country in accordance with its role;
5. to register and provide intellectual property services;
6. to 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. to resolve disputes and violations of intellectual property rights;
8. to train and enhance the level of private sector and state employees involved in intellectual property activities;
9. to coordinate with the relevant sector authorities and local administrations at the different levels to establish intellectual property activities management;
10. to participate and cooperate at the international level in intellectual property;
11. to report on the implementation of intellectual property activities regularly to the government;
12. to perform other rights and duties as stipulated 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. to 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. to disseminate 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 organize a public awareness within society about intellectual property activities;
3. to resolve petitions, disputes and violations of intellectual property rights;
4. to coordinate with the relevant provincial, city authorities in the implementation of intellectual property activities;
5. to report on the implementation of intellectual property activities to the National Authority for Science and Technology and provincial, city administrative authorities regularly;
6. to perform other rights and duties as stipulated 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 administration authority stipulated in Article 119 of this law.

2. The external inspection authorities, comprising:
 - the State Inspection Authority;
 - the State Audit 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. routine inspections;
2. irregular inspections by advance notice;
3. emergency inspections

Routine inspections are regular planned inspections.

Irregular inspections by advance notice are not planned inspections and are carried out where considered necessary, hence the advance notices.

Emergency inspections, is an urgent inspection whereby the inspected party is not notified.

Article 126. Inspections by other Authorities

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

Section X

Awards and Sanctions

Article 127. Award Policies

Individuals or organizations who have remarkable accomplishment in implementing of the Law on Intellectual Property, such as management and inspection of intellectual property shall be awarded merits or other forms according to rule.

Article 128. Policies for Inventors and Creators

Individuals or organizations who have remarkable accomplishment in invention and creation will be awarded merits and other forms according to rule.

Article 129. Measures against Violators

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

Article 130. Education Measures

Individuals or organizations 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 educated.

Article 131. Disciplinary 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

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.