

9. **Mark** means any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings;
10. **Trademark** means the mark provided for in item 9 of this Article to use with goods or services as well as to distinguish between these goods or services and other goods or services;
11. **Collective mark** 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, legal entities or organizations for use with their goods or services in order to certify the characteristic, which relates to the origin, raw materials and production methods of the goods or methods of services supply, type, quality, safety

22. **Propagating material** means a plant or any part thereof capable of producing a new plant such as: shoots, rhizomes and seeds;
23. **Breeder** means the person who bred, or discovered and developed, a variety, or the person who is the employer of the aforementioned person or who has commissioned the latter's work, where the laws so provide, or the successor in title of the first or second aforementioned person, as the case may be;
24. **Plant variety right** or **breeder's right** means the right granted by the state organization to protect a plant variety in accordance with this Law;
25. **Copyright** means the right of individuals, legal entities or organizations to their creative works in the domains of art and literature, including scientific works;
26. **Related right** means the right of individuals, legal entities or organizations to works of performances, phonograms, broadcasts of programs or broadcasts of satellite signal carrying encrypted or unencrypted programs;
27. **Work** means a creative work by an individual legal entities or organization in the domains of art, literature and science shown in any form or method;
28. **Derivative work** means a work based on one or more existing works and includes a translation, adaptation, arrangement of music, modification, transformation, interpretation, and other alteration of a copyrighted work;
29. **Publish** means, for purposes of copyright, making available to the public with the consent of a work's authors sufficient numbers of copies to satisfy the reasonable demands of the public, having regard to the nature of the work. The performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication;
30. **Publish** means, for purposes of related rights, the offering of copies of the fixation of a performance or a phonogram to the public, with the consent of the right holder, and provided that copies are offered to the public in reasonable quantity;
31. **Reproduction** for purposes of copyright and related rights means the copying of a work or phonogram or object of related rights by any method, including the permanent or temporary copying of the work or phonogram or object of related rights;
32. **Phonogram** means any exclusively aural fixation of sounds of a performance or of other sounds on recording instruments such as: audio or 9TJ-10006,rl to the pu225 0 TDpathe perm

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2. new plant variety;
3. copyright and related rights.

Article 9 (revised). Industrial Property

Industrial property is composed of:

1. patents;
2. petty patents;
3. industrial designs;
4. trademarks;
5. trade names
6. layout-design of integrated circuits;
7. geographical indications;
8. trade secrets.

Article 10 (revised). New Plant Variety

New plant variety is composed of:

1. plant variety that exists generally and is derived from improvements to become a new plant variety;
2. plant variety that is discovered in the nature and then is developed to become a new plant variety.

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, producers of phonograms and broadcasting organization.

**Section III
Industrial Property**

Part 1

Industrial Property Requirements

Article 12 (revised). Industrial Property for Obtaining a Certificate of Protection for Industrial Property

I Industrial Property for obtaining a registration certificate is as follows:

- patent;
- petty patent;
- industrial design;
- trade mark;
- integrated circuit layout-design;
- geographical indication.

Article 13 (revised). Requirements for Obtaining a Patent

In order to obtain a patent, an invention shall meet all the following requirements:

1. shall be new: meaning such invention has not existed, not been disclosed to the public by publication, or by use 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 where priority is claimed prior to the priority date of the application for a patent;
2. shall involve an inventive step: meaning that would not be obvious to a person having ordinary knowledge in that field of technology;
 3. shall be industrially applicable in industry, handicraft, agriculture, fishery, services, etc.

Article 14 (revised). Requirements for Obtaining a Petty Patent

In order to obtain a petty patent, a utility innovation shall meet all the following requirements:

1. shall be new in the sense that it has not been previously known or used in the Lao PDR within one year prior to the date of application;
2. shall involve a new technical improvement that involves an inventive step which may be a lesser inventive step than required for a patent;
3. shall be industrially applicable in industry, handicraft, agriculture, fishery, services, etc.

Article 15 (revised). Requirements for Obtaining an Industrial Design Certificate

In order to obtain an industrial design certificate, a design shall meet all the following requirements:

1. shall be new: meaning that it 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;
2. shall be ornamental: meaning that it gives a special appearance to the object to which the design is applied or in which it is embodied.

Article 16 (revised). Requirements for Obtaining a Trademark Certificate

In order to obtain a trademark certificate, a mark shall meet all the following requirements:

1. the mark may be any sign, or any combination of signs, capable of
- 2.

2. the trademark is not contrary to the requirements for registrability in the Lao PDR;
3. In considering whether a mark is a well-known mark, any reasonable evidence may be taken into account, including evidence of such facts as are mentioned below:
 - 3.1 the relevant sector of the public recognize the trademark by way of trade, use of the trademark on or in connection with goods or services or through advertising;
 - 3.2 the products, goods, services are widely circulated bearing the trademark within the territory;
 - 3.3 the volume of goods sold or services provided are largely;
 - 3.4 regular and continuous period of use of the trademark;
 - 3.5 goodwill associated with use of the trademark with the goods or services based on such factors as good quality, service, or their popularity;
 - 3.6 domestic consumers certify and widely recognize the reputation of the trademark;
 - 3.7 high value of investment in the trademark.

A well-known trademark whether registered or otherwise shall be protected in accordance with laws and regulations.

Article 17 (revised). Requirements for Obtaining a Layout-design of Integrated Circuits Certificate

In order to obtain a layout-design of integrated circuit certificate, a lay-out design shall meet all the following requirements:

1. the layout-design is original in the sense that it is the result of its creators' own intellectual effort and is not commonplace among creators of layout-

Article 20 (revised). Requirements of Trade Secrets

In order to be considered as a trade secret, information shall meet all the following requirements:

1. shall be secret in the sense that it is not known among or readily accessible to persons within the circles that normally deal with the kind of information in question, such as: formula, production process, or any information;
2. shall have commercial value;
3. shall have been subject to reasonable steps under the circumstances by the person lawfully in control of the information, to keep it secret.

Part 2

Industrial Property Ineligible for Protection

2. the mark that consists exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, place of origin, of the goods, or the time of production, or of signs that have become customary in the current language or in the good faith and

18. the mark is contrary to national security, social order, culture and the fine traditions of the nation.

The nature of the goods or services to which a trademark applies shall in no case form an obstacle to the registration of the mark.

Article 24 (revised). Object Ineligible for Layout-designs of Integrated Circuits Registration

Objects ineligible for registration of an integrated circuit layout-design shall be as follows:

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

Article 25 (revised). Geographical Indications Ineligible for Registration

Geographical indications ineligible for registration shall be as follows:

1. geographical indications which are likely to mislead or confuse consumers as to the true source origin of goods;
2. names of geographical indications which have become customary names of such goods in the Lao PDR;
3. geographical indication with respect to products of the wine for which the relevant indication is identical with the customary name of a grape variety existing in the Lao PDR;
4. geographical indication of another country where such geographical indications are not or cease to be protected in their country of origin, or which have fallen into disuse in that country;
5. geographical indications which are identical with or similar to protected trademarks where use of the indications will lead to misunderstanding or confusion as to the origin of the said goods;
6. a geographical indication that is homonymous with a protected geographical indication for wine.

Part 3

Protection of Industrial Property

Article 26 (revised). Persons eligible for protection of industrial property

The following persons are eligible to obtain protection for their industrial property:

1. a Lao citizen or resident in the Lao PDR, or a legal entity or organization established under the laws of the Lao PDR;
2. an individual that is a national of any country which is a member of the Paris Convention or other international agreement relating to the protection of industrial property and of which the Lao PDR is also a member;
3. an individual who is a resident of the Lao PDR or of the territory of any member of the Paris Convention or other international agreement relating to the protection of industrial property and of which the Lao PDR is also a member;
4. an individual, legal entity or organization with a real and effective industrial or commercial establishment

Subject to the requirement to have a representative in the Lao PDR, foreign persons, legal entities or organizations eligible for protection of industrial property shall be entitled to treatment no less favorable than Lao citizens.

Article 27 (revised). Filing Applications

Domestic and foreign individuals, legal entities or organizations may apply for a patent, petty patent, or registration of their industrial property with the Ministry of Science and Technology or with an international intellectual property registration organization to which the Lao PDR is a party.

Any individual, legal entity or organization residing in a foreign country, who wishes to apply for the registration of an industrial property, shall appoint an authorized representative in the Lao PDR.

The applicant without business premises or residence in the Lao PDR shall appoint an authorized representative in the Lao PDR to carry out transactions related to intellectual property in the Lao PDR.

The application shall include the documents set forth from Articles 31 to Article 35 of this Law.

Article 28 (revised). Principles used for Consideration of Applications

Where more than one application is filed for the same subject matter, the patent, petty patent, or registration of industrial property shall be awarded on the basis of the application with the earliest filing date, taking into account the priority date (if applicable), where such application satisfies the requirements for the protection requested.

Article 29 (revised). Priority

An application for the granting of a patent or petty patent, or for the registration of an industrial design or trademark, may contain a declaration claiming priority based on one or more earlier national, regional, or international applications filed by the applicant or his predecessor in title in the Lao PDR or in another country or office that is party to an agreement to which the Lao PDR is a party and that provides for a right of priority. The requirements for establishing a claim to priority shall be as described in a separate regulation.

Where a priority claim is established, any subsequent filing before the expiration of the priority periods referred to below shall not be invalidated by reason of any acts accomplished in the interval, in particular, another filing, the publication or exploitation of the invention, the putting on sale of copies of the design, or the use of the mark, and such acts cannot give rise to any third-party right or any right of personal possession.

If a priority claim is submitted, the applicant shall submit a copy of the application on which the priority claim is based, certified as correct by the applicant and the competent authority of the country of origin.

For patents and petty patents the priority period is twelve months from the priority date. For industrial designs and trademarks the priority period is six months from the priority date.

Article 30 (revised). Temporary Protection of Inventions, Utility Innovations, Industrial Designs and Trademarks at Certain Exhibitions

Temporary protection shall be available for inventions, utility innovations, industrial designs, and trademarks in respect of goods exhibited at official or officially recognized international exhibitions, provided a request for such protection is made and an application is filed within six months from the date on which the goods were first exhibited or rendered at such exhibition. In such case, the application shall be deemed to have been filed on the date on which the goods were first exhibited at such exhibition, provided that temporary protection under this Article shall not be applied so as to extend any other claim of priority.

Article 31 (revised). Applications for Patent or Petty Patent

An application for a patent or petty patent shall include the following documents:

1. a request for a patent or petty patent;
2. if the applicant is represented, a power of attorney and the name and address of the applicant's representative in the Lao PDR;
3. description that discloses the invention or utility innovation in such clear and complete terms as to enable a person of ordinary skill in the relevant field of technology to understand and exploit the invention or utility innovation; the description shall disclose the best mode for making or using the invention or utility innovation;
4. claims that clearly specify the subject matter to be protected and are supported by the description;
5. drawings (if needed to understand the invention);
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2. if the applicant is represented, a power of attorney and the name and address of the applicant's representative in the Lao PDR;
3. one or more drawings or photographs that clearly disclose the industrial design as needed to illustrate its appearance;
4. a brief statement of the type of goods to which the industrial design relates;
5. receipt of payment of fees.

The application may include a claim of priority as provided in Article 29 of this Law (if applicable).

Each application for industrial design registration shall apply to a single industrial design or a series of related designs for a single class as per the international classifications.

The Ministry of Science and Technology shall accept the application and assign a filing date that contains, at a minimum:

- the name, address and nationality of the applicant;
- a drawing or photograph;
- filing fee as per regulations.

If any individual, legal entity or organization wishes to apply for registration of industrial design, shall satisfy all specified requirements within the times set by the Ministry of Science and Technology.

Article 33 (revised). Applications for Registration of Trademarks

Applications for registration of trademarks shall include the following documents:

1. a request for registration of the trademark;
2. if the applicant is represented, a power of attorney and the name and address of applicant's representative in the Lao PDR
3. a clear drawing or other image or specimen of the mark;
4. description of the goods to which the mark will be applied or the services in connection with which it will be used; if the application relates to a collective mark or certification mark, the application shall so indicate and shall include a description of the way the mark is to be used;
5. receipt for payment of fees.

The application may include a claim of priority as provided in Article 29 of this Law (if applicable).

One registration application is valid for only one trademark but may apply to more than one class of goods or services as per the international classifications, subject to the payment of a fee for each class of goods or services.

The Ministry of Science and Technology shall accept the application and assign a filing date that contains, at a minimum:

- the name, address and nationality of the applicant;
- a drawing or photograph or specimen of the mark;
- filing fee as per regulations.

If any individual, legal entity or organization wishes to apply for registration of industrial design, shall satisfy all specified requirements within the times set by the Ministry of Science and Technology.

Article 34 (revised). 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. if the applicant is represented, a power of attorney and the name and address of applicant's representative in the Lao PDR;
3. description of the first commercial use of the layout-design or integrated circuit in which it is embodied;
4. drawings of the layout-design integrated circuit sufficient to identify the layout-design;
5. If the integrated circuit has been commercially exploited, a description of the electronic function that the integrated circuit perform or is intended to perform;
6. receipt for the payment of fees.

One registration application is valid for only one integrated circuit layout-design.

The Ministry of Science and Technology shall accept the application and assign a filing date that contains, at a minimum:

- the name, address and nationality of the applicant;
- disclosure of the integrated circuit layout-design;
- filing fee as per regulations.

If any individual, legal entity or organization wishes to apply for registration of integrated circuit layout-design, shall satisfy all specified requirements within the times set by the Ministry of Science and Technology.

Article 35 (revised). 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. if the applicant is represented, a power of attorney and the name and address of applicant's representative in the Lao PDR;
3. a clear image of the geographical indication;
4. statement of the geographical region to which the proposed geographical indication applies;
5. goods to which the proposed geographical indication applies and applicable methods of control;
6. statement of the basis on which the proposed geographical indication is claimed to be a geographical indication, and evidence in support of such statement;
7. where the geographical application is based on protection in a foreign country, evidence that the geographical indication is protected in its country of origin;
8. receipt for payment of fees.

One registration application is valid for only one geographical indication.

The Ministry of Science and Technology shall accept the application and assign a filing date that contains, at a minimum:

- the name, address and nationality of the applicant;
- image of the geographical indication;
- a statement of the geographical region to which the proposed geographical indication applies;
- the goods to which the proposed geographical indication applies;
- filing fee as per regulations.

If any individual, legal entity or organization wishes to apply for registration of geographical indication, shall satisfy all specified requirements within the times set by the Ministry of Science and Technology.

Article 36 (revised). Provision of Additional Information

Where an application has previously been filed abroad and such application contains some or all of the same subject matter as the application filed in the Lao PDR, the applicant shall disclose such prior filings. The Ministry of Science and Technology may require the applicant to submit, or the applicant may on its own initiative submit copies of relevant documents, in particular, a search or examination report or copy of the patent or petty patent or industrial property registration certificate obtained abroad.

Article 37 (revised). Language used for applications

An industrial property application and any accompanying material may be filed in either the Lao language or in the English language. Provided however, that for any application or document filed or submitted in English, the applicant must, within 90 days of such filing, supply a translation into the Lao language. Such translation must be certified to be a correct translation.

Article 38 (revised). Formality Examination of Industrial Property Registration Applications

The Ministry of Science and Technology will conduct a formality examination of each industrial property application to ensure that the application is complete, in correct form, and that fees have been paid. The Ministry of Science and Technology will notify the applicant whether the application is sufficiently complete to receive a filing date.

If the application is sufficiently complete to receive a filing date but it appears that the application is incomplete or otherwise incorrectly filed, the Ministry of Science and Technology will inform the applicant to co

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property registration certificate, enter the registration in the registry and publish the registration in the official industrial property gazette.

Where an industrial design, trademark or geographical indication has been registered, the third party may request an objection or a cancellation of such registration within period of 5 years from the date of publication in the official gazette.

Article 45 (revised). Termination of Industrial Property Rights

Patents, petty patents, and industrial property registrations shall terminate as follows:

1. the term of protection is expired;
2. the industrial property owner fails to renew the registration and pay the applicable fees, in which case, rights shall terminate as of the end of the term for which protection was granted and the fee was paid;
3. the patent, petty patent, or registration is invalidated based on a finding that one or more requirements for protection have not been satisfied; where such finding applies to only a portion of the industrial property, the termination shall apply only to such portion as is invalidated. In such case, the invalidation shall be effective as from the grant of the patent, petty patent, or registration;
4. failure to the commercial exploitation, the industrial property rights will be terminated after the final decision by the competent court.

Part 4 Industrial Property Rights Owner

Article 46 (revised). Industrial Property Rights Owner

p 4.6

application for registration. In order to maintain the term of protection, the patent owner shall pay annual fees in advance.

Article 49. Term of Protection of Petty Patents

The term of protection of petty patents shall be 10 years from the date of filing the application for registration.

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

Article 50. Term of Protection of Industrial Designs

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

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

Article 51 (revised). Term of Protection of Trademarks

The term of protection of trademarks shall be 10 years from the date of registration. Upon expiry the term of prot

- 2.2. the right to prevent others, without the owner's authorization, from actions defined in item 1, for a product obtained directly from the patented process.
3. authorize individual, legal entity or organization other than the patent owner to undertake any of the acts described in items 1 and 2 of this Article in Lao PDR;
4. to protect their rights under the laws and regulations against infringements by others such as to institute court action, [and] right to compensation from damages caused by others;
5. to prevent others from exploiting the patented invention from the time that the patent is issued. The owner may bring a suit for acts of infringement occurring during the pendency of the application only after the patent is granted and only for acts occurring after publication during pendency or if the infringer had notice of the patent application.

For petty patent owners, rights shall be applied likewise as to those of patent owner, *mutatis mutandis*.

Article 56 (Revised). Rights of the Industrial Design Owner

An industrial design owner has the right to prevent third parties not having the owner's consent from making, selling or importing articles bearing or embodying an industrial design which is a copy or imitation of the protected design, when such acts are undertaken for commercial purposes.

The provisions of items 3, 4 and 5 of Article 55 of this Law shall apply *mutatis mutandis*, provided however, that where publication is delayed, no suit shall be brought except where the relevant information is first notified to the person being sued.

Article 57 (revised). Rights of the Trademark Owner

A trademark owner has the following rights:

1. to prevent all third parties from using in the course of trade identical or similar signs for goods or services which are identical, similar, or related to those in respect of which the trademark is registered where such use would result in a likelihood of confusion;
2. to prevent the sale or advertising of goods bearing the mark or the use of the mark in connection with services, and the importation or export of goods bearing such a mark;
3. to protect their rights under the law and regulations against infringements by others such as to institute court action, [and] right to compensation from damages caused by others.

The rights described in items 1 and 2 of this Article shall not prejudice any existing prior rights.

The rights described above shall apply *mutatis mutandis* to well-known marks and to trade names without regard to whether they are registered.

1. no individual or organization of this than the trademark owner shall undertake any of the acts described in paragraph 1 in Lao PDR without authorization by the trademark owner, and except as otherwise provided in this Law, any such acts without authorization shall be considered to be an act of infringement;
2. it shall be the responsibility of the trademark owner to take measures to enforce rights under the trademark. The owner of the trademark shall, in

right, subject to any exceptions provided in this Law, to institute court action against an individual or organization who infringes his trademark or who, without his agreement, performs acts that make it likely that infringement will occur;

3. the owner of the registered trademark shall have the right to prevent others from using the mark as described in paragraph 1 from the time that the mark is registered. This provision shall not prejudice the right of the trademark registrant to take legal action on any other basis, in particular, for infringing a mark is that is well-known or for infringement of a trade name.

Article 58 (revised). Rights of Integrated Circuit Layout-Design Owner

A Integrated Circuit Layout-Design Owner has the right to prevent others without the owner's authorization from:

1. reproducing a layout-design circuit in its entirety, whether by incorporating it into an integrated circuit or otherwise;
2. reproducing any part of the integrated circuit, whether by incorporating it into an integrated circuit or otherwise, except where the act of reproducing any part that does not require with the requirement of originality referred to item 1 of Article 18 of this Law;
3. importing, selling, or otherwise distributing for commercial purposes a protected layout-design or an integrated circuit in which a protected layout-design is incorporated;
4. importing, selling, or otherwise distributing for commercial purposes an article incorporating or an integrated circuit in which a protected layout-design has been incorporated, but only to the extent that it continues to contain an unlawfully reproduced layout-design.

It shall not be unlawful to perform any of the acts in respect of an integrated circuit incorporating an unlawfully reproduced layout-design or any article incorporating such an integrated circuit where the person performing or ordering such acts did not know and had no reasonable ground to know, when acquiring the integrated circuit or article incorporating such an integrated circuit, that it incorporated an unlawfully reproduced layout-design, provided however that after the time such person has received sufficient notice that the layout-design was unlawfully reproduced, that person may perform any of the acts with respect to stock on hand or ordered before such time but shall be liable to pay the right holder a sum equivalent to a reasonable royalty such as would be payable under a negotiated license in respect of such layout-design.

It shall not be unlawful for a private party to reproduce an integrated circuit layout-design for the sole purpose of evaluation, analysis, research, or teaching.

The holder of the right shall not exercise his right in respect of an identical original layout-design that was independently created by a third party.

Article 59 (revised). Rights of Geographical Indication Registration Owner

The owner of the registration of a geographical indication shall have the following rights:

1. to prevent others from applying the geographical indication to goods or including the geographical indication in a trademark, and to prevent the sale, advertising, importation, or export of goods bearing such indication or including the geographical indication in such trademark;

2. to object to the use of a geographi

undisclosed test or other data, the origination of which involves a considerable effort, such data shall be protected against unfair commercial use and against disclosure without the consent of the person that originated such data, provided however that such data may be disclosed to the extent necessary to protect the public. No person other than the person that submitted the data may, without the latter's permission, rely on such data in support of an application for product approval during a period of five years after the date on which the Lao PDR granted approval to market the product to the person that produced the data.

Any act in violation of this Article shall be an act of unfair competition. The owner of data described in this Article shall have the right to take measures to enforce rights under this Article and shall have the right, subject to any exceptions provided in this Law, to institute court action against an individual or organization who performs such acts of unfair competition or who performs acts that make it likely that such acts of unfair competition will occur.

Article 62. Obligations of the Industrial Property Owner

A industrial property owner has following obligations:

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 financial obligations to the state pursuant to laws and regulations derived from the exploitation, leasing, transfer or inheritance of the industrial property or arising from other benefits;
5. to be responsible for coordinating the remedy of violations of its industrial property.

Part 7

Limitation of Rights on Industrial Property

Article 63 (revised). Authorization to exploit without permission of patent or petty patent owner

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2. each authorization of such use shall be considered on its individual merits, and the scope and duration of such use shall be limited to the purpose for which it was authorized. The right holder shall have the right to present evidence opposing the grant of such authorization, and to propose alternative terms to satisfy domestic demand for the invention or utility innovation;
3. such use shall be non-exclusive and non-transferrable, even in the form of the grant of a sub-license, except with that part of the enterprise or goodwill which enjoys such use;
4. the authorization shall provide that the right holder shall be paid adequate remuneration in the circumstances of each case, taking into account the economic value of the authorization. The order granting the authorization shall specify the amount of compensation, or how it shall be determined, and any terms for payment thereof. The right holder shall have the right to propose terms for compensation, how it shall be determined, and terms for payment thereof. The need to correct anti-competitive practices may be taken into account in determining the amount of remuneration in cases under item 1.3 of this Article;
5. the right holder may request the Ministry of Science and Technology to reconsider on the appropriate value of the compensation or unreasonable circumstances within sixty days from the date of receiving the notice;
6. the Ministry of Science and Technology shall immediately notify of any decision to grant such authorization to the right holder and of any decision on the compensation to be paid to the right holder;
7. for authorizations under items 1.1, 1.2 or 1.4 of this Article:
 - 7.1. any such use shall be authorized predominantly for the supply of the domestic market of the Lao PDR;
 - 7.2. such use shall only be permitted if, prior to such use, the proposed user has made efforts to obtain authorization from the patent or petty patent owner on reasonable commercial terms and conditions and that such efforts have not been successful within a reasonable period of time;
 - 7.3. the requirement of item 7.2 of this Article may be waived in case of a national emergency or circumstances of critical and extreme urgency, in which case the right holder shall, nevertheless, be notified as soon as reasonably practicable;
 - 7.4. the requirement of item 7.2 of this Article may be waived in cases of public non-commercial use. Where the Government or contractor, without making a patent or petty patent search, knows or has demonstrable grounds to know that a valid patent or petty patent is or will be used by or for the Government, the right holder shall be informed promptly.

9.2. the party making such request shall present evidence that the demand for the patented invention or uti

A trademark is used if it is used on or in connection with the goods or services of the trademark for which it is registered, by the owner or by another with authorization of the owner and subject to the owner's control.

Article 65. Conditions on Layout-designs of Integrated Circuits

In the case that a layout-design integrated circuit is exploited for commercial benefits, whether within or outside the country, the application for registration of the layout-design integrated circuit must be filed within two years of the first commercial exploitation of the layout-design of integrated circuit, in any event, the term shall not exceed 15 years from the date of creation.

Article 66 (revised). Exploitation of Geographical indications

Where the registrant fails to perform under the requirements of the registration of the geographical indications, individual, legal entity or organization may bring an action to the Ministry of Science and Technology to suspend the exploitation of a registered geographical indication. The Ministry of Science and Technology shall notify the registrant to perform under the requirements or within the time-period provided by the Ministry of Science and Technology. The Ministry of Science and Technology will order the suspension of the exploitation of such geographical indications if the registrant fails to perform under the requirements and within the time-period.

**Section IV
New Plant Variety
Part 1**

New Plant Variety Requirements

Article 67 (new). Genera and Species

The genera and species are described in the separate regulations.

Article 68 (revised). Requirements for Registration of New Plant Varieties

The registration of a new plant variety shall meet all the following requirements:

1. new;
2. distinct;
3. uniform;
4. stable;
5. the variety is designated by a denomination in accordance with the provisions of Article 73 of this Law.

Article 69 (new). Novelty

Article 70 (new). Distinctness

declaration of the apportionment of ownership, they are presumed to be owners of equal part of the concerned variety;

3. a foreign individual, legal entity or organization shall enjoy within the territory of the Lao PDR the same treatment as is accorded to Lao nationals, subject to the requirement that a party that does not have a residence or business premises shall appoint a representative with such premises in the Lao PDR.

Article 75 (revised). Priority

A claim of priority is as follows:

1. the application for registration of a new plant variety shall enjoy a right of priority for the purpose of filing an application for the grant of a breeder's right in the Lao PDR for a period of 12 months from the date of filing the first application, provided that such first filing was in a country that grants plant variety protection rights to plant breeders from the Lao PDR. The day of filing shall not be included in the twelve-month period.
2. an applicant wishing to benefit from the right of priority shall, in the subsequent application, claim the priority of the first application and shall furnish, with the application or within a period of three months from the filing date of the Lao application, a copy of the documents that constitute the first application, certified to be a true copy by the authority with which that application was filed, together with samples or other evidence that the variety which is the subject matter of both applications is the same.
3. the breeder shall be allowed a period of two years after the expiration of the period of priority or, where the first application is rejected or withdrawn, an appropriate time after such rejection or withdrawal, in which to furnish, to the Ministry of Science and Technology, any necessary information, document or material required for the purpose of the examination under Article 77 of this Law.
4. events occurring within the period provided for in item 2 of this Article, such as the filing of another application or the publication or use of the variety that is the subject of the first application, shall not constitute a ground for rejecting the subsequent application. Such events shall also not give rise to any third-party right.

Article 76 (revised). Application for Registration

Any individual, legal entity or organization eligible to apply for plant breeders rights may file an application

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2. name of the breeder, and if applicant is not the breeder, a statement of the basis of applicant's ownership;
3. if represented, a power of attorney and the name and address of the representative;
4. proposed new denomination;
5. description of the variety setting forth its distinctiveness, uniformity, and stability and a description of the genealogy and breeding procedure;
6. a viable sample of the propagating material of the new variety or statement related to propagating material;
7. where available, such data as required to determine whether the

3. to protect their rights under the law and regulations against infringements by others such as to institute court action, [and] rights to compensation from damages caused by others.

The acts referred to in items 1.1 to 1.5 of this Article in respect of harvested material, including entire plants and parts of plants, obtained through the unauthorized use of propagating material of the protected variety shall require the authorization of the breeder, unless the breeder has had reasonable opportunity to exercise his right in relation to the said propagating material. The provisions of this paragraph shall likewise apply in respect of products made directly from harvested material of the protected variety.

The provisions of paragraphs 1 and 2 of this Article shall also apply in relation to the varieties as follows:

1. varieties which are essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety;
2. varieties which are not clearly distinguishable in accordance with Article 70 of this Law from the protected variety;
3. varieties whose production requires the repeated use of the protected variety.

No individual, legal entity or organization other than the plant variety owner shall undertake any of the acts described in paragraphs 1 through 3 of this Article in the Lao PDR without authorization by the plant variety owner, and except as otherwise provided in this Law.

Article 79 (revised). Term of Protection of the New Plant Varieties

The term of protection of the new plant variety shall be, for trees and vines, a fixed period of 25 years from the date of grant of the breeder's right and for other varieties of plants, 20 years from the date of grant of the breeder's right.

In order to maintain the term of protection, the new plant variety owner shall pay annual fees in advance.

Article 80 (new). Provisional Protection

During the period between the publication of the application for the grant of a breeder's right and the grant of that right, the holder of a breeder's right shall be entitled to equitable remuneration from any person who, during the said period, has carried out acts which, once the right is granted, require the breeder's authorization as provided in Article 78 of this Law.

Article 81. Obligation of the New Plant Variety Owner

The owner of the new plant variety has obligation as the same as industrial property owner under Article 62 of this Law.

Part 4

Exceptions and Limitations Relating to New Plant Varieties

Article 82 (revised). Exceptions to the Breeder's Right

The exceptions to the breeder's right are as follows:

1. the breeder's right shall not extend to:
 - 1.1. acts done privately and for non-commercial purposes;
 - 1.2. acts done for experimental purposes;

- 1.3. acts done for the purpose of breeding other varieties, and, except where the provisions of paragraph 3 of Article 78 of this Law apply, the acts of production or reproduction, conditioning for the purpose of propagation, offering for sale, or selling or other marketing in respect of such other varieties.
2. Notwithstanding Article 78, a farmer may use for propagating purposes, on his or her own holdings, the product of the harvest obtained by such farmer by planting on his or her own holdings, the protected variety or a variety covered by item 1 or 2 paragraph 3 of Article 78, provided that such protected variety was obtained with the authorization of the holder of the plant variety protection granted hereunder.

Article 83 (new). Exhaustion of the Breeder's Right

The breeder's right shall not extend to acts concerning any material of the protected variety, or of a variety covered by the provisions of paragraph 3 of Article 78 of this Law, which has been sold or otherwise marketed by the breeder or with his consent in the territory of the Lao PDR, or any material derived from the said material, unless such acts as follows:

1. involve further propagation of the variety in question;
2. involve an export of material of the variety, which enables the propagation of the variety, into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes.

For the purposes of paragraph 1 of this Article, "material" means, in relation to a variety:

1. propagating material of any kind;
2. harvested material, including entire plants or parts of plants;
3. any product made directly from the harvested material.

Article 84 (new). Measures Regulating Commerce

The grant of a breeder's right shall not be construed as authorizing any person to exploit it freely in the territory of the Lao PDR, but depending on administrative measures of the concerned authorities such as:

1. a new plant variety that has a serious direct or indirect impact on sanitation, environment or laws and regulations;
2. a new plant variety derived from genetic modification which has not been evaluated with regard to safety, environment, health, laws and regulations as prescribed by the relevant authorities or to take any other action violating laws and regulations of Lao PDR.

Article 85 (new). Nullity of the Breeder's Right

A breeder's right granted by the Lao PDR shall be nullified as following cases:

1. that the conditions laid down in Articles 69 or 70 or 71 of this Law, are not complied with at the time of the grant of the breeder's right;
2. that the breeder's right has been granted to a person who is not entitled to it, unless it is transferred to the person who is so entitled.

No breeder's right shall be declared null and void for reasons other than those referred to in paragraph 1 of this Article.

Article 86 (new). Cancellation of the Breeder's Right

A breeder's right granted by the Lao PDR may be canceled as following cases:

1. the conditions laid down in Article 70 or 71 of this Law are no longer fulfilled;
2. after being requested to do so and within a prescribed period, the breeder does not provide the authority with the information, documents or material deemed necessary for verifying the maintenance of the variety;
3. the breeder fails to pay such fees as may be payable to keep his right in force;
4. the breeder does not propose another suitable denomination, where the denomination of the variety is cancelled after the grant of the right.

No breeder's right shall be cancelled for reasons other than those referred to in paragraph 1 of this Article.

Article 87 (revised). Restrictions Based on Public Interests

Where it is necessary to meet an urgent public needs and to ensure food supply or to prevent commercial monopolies, the government can issue notifications allowing the exploitation of a protected variety without the authorization of the right owner. Procedures and conditions for such authorization shall be as provided for patents, *mutatis mutandis*, as prescribed in the Article 63 of this Law.

Section V **Copyright and Related Rights** **Part 1** **Protection of Copyright**

Article 88 (revised). Works Eligible for Protection

Copyright shall be available to every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, provided it is the original creation of its author. In particular, copyright shall be available for:

1. artistic works include such works as:
 - 1.1. drawings, paintings, carvings, lithography, 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 and works expressed by an analogous process;
 - 1.5. illustrations, maps, plans, sketches and three dimensional works related to geography, topography, architecture or science;
 - 1.6. dramatico-musical works, pantomimes or drama, choreographic works and other works created for performance;
 - 1.7. musical compositions with or without lyrics including edited notes or tunes;
 - 1.8. phonogram;
 - 1.9. works of applied art;
 - 1.10. film or other cinematographic works or works expressed by an analogous process, and including an audiovisual work which consist of 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 work.

2.

2.1. production of phonograms in the country or abroad by Lao citizens,
aliens or stateless person

3. making the translation of such works;
4. broadcasting such works;
5. communicating such works to the public by any wire or wireless diffusion or by rebroadcasting;
6. communicating the broadcast of the work to the public by loudspeaker or any other analogous instrument transmitting, by signs, sounds or images.

In the absence of any contrary stipulation, permission granted in accordance with item 4 of this Article shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast.

For literary works, the author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize the following acts in relation to his or her works:

1. reciting their works to the public by any means or process;
2. communicating to the public of the recitation of their works.
3. translating the recitation of their works.

For dramatic, dramatico-musical and musical works, the author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize the following acts in relation to his or her works:

1. performing their works to the public, including such public performance by any means or process;
2. communicating to the public of the performance of their works.
3. translating such performance of works.

The author or other copyright owner shall have the exclusive right to carry out or authorize the adaptation, arrangement, or other alteration of their works as follows:

1. making cinematographic adaptation and reproduction of literary or artistic works, and the distribution of the works thus adapted or reproduced;
2. making the public performance and communication to the public by wire or otherwise of the works thus adapted or reproduced.

The author or other copyright owner shall have the exclusive right to carry out or authorize or prohibit:

1. the direct or indirect reproduction, in whole or in part, of a sound recording, computer programs or compilation of data or other materials;
2. the importation into the Lao PDR of copies of a sound recording, regardless of whether such copies have been placed on the market by the relevant right holder;
3. the first public distribution of the original and each copy of the sound recording by sale, rental or otherwise;
4. the rental, lease or lending of the original or a copy of an audiovisual work, a sound recording, or a musical work in the form of notation, for the purposes of direct or indirect commercial advantage.
5. for a computer program or a data base, the rights provided in item 4 of this paragraph except where the copy of a computer program is not itself an essential object of the rental. Putting the original or a copy of a computer program on the market with the right holder's consent shall not exhaust the rental right.

The author or other copyright owner shall have the exclusive right to carry out or authorize the importation or exportation of the original or any copy of the work. This right shall not extend to prevent the subsequent importation or exportation of an original

or copy that was legally acquired with the authorization of the owner of copyright or related rights.

The author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize:

1. the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced;
2. the public performance and communication to the public by wire or wireless of the works thus adapted or reproduced.

The adaptation into any other artistic form of a cinematographic production derived from literary or artistic works shall, without prejudice to the authorization of the author of the cinematographic production, remain subject to the authorization of the authors of the original works.

The author or other copyright owner of literary, dramatic, dramatico-musical works, musical works, choreographic works, pantomimes, and motion pictures and other audiovisual works, including the individual images of a motion picture or other audiovisual work shall have the exclusive right to authorize:

1. the public performance of their works, including such public performance by any means or process; and in particular, in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission;
2. any communication to the public of the performance of their works;
3. translations of the performance of their works.

Article 99 (new). Infringement of Moral and Economic Rights

No individual, entity or organization other than the author shall undertake any of the acts described in Article 97 of this Law without authorization by the author, and except as otherwise provided in this Law, any such acts without authorization shall be considered to be an act of infringement of the author's moral rights.

No individual, entity or organization other than the author shall undertake any of the acts described in Article 98 of this Law without authorization by the author, and except as otherwise provided in this Law, any such acts without authorization shall be considered to be an act of infringement of the author's economic rights.

The author or copyright owner has the right to protect their rights under the laws and regulations against infringements of their moral or economic rights by others such as right to institute court action, [and] right to compensation from damages caused by others.

Article 100 (revised). Copyright on Computer Programs and Data Compilations

Computer program is a set of instructions or any other thing used by a computer to make it work or to generate certain results no matter what the computer language is. Computer programs shall be protected as literary works, whether in source or object code.

Compilations of data or other material, whether in machine readable or other forms, which by reason of the selection or arrangement of their contents constitute intellectual creations, shall be protected as literary works. Protection of such works shall not extend to the data or material itself, or prejudice any copyright subsisting in that data or material.

Article 101 (new). Traditional Literary and Artistic Works

A work based on a traditional literary or artistic work shall be protected under copyright without prejudice to the rights of others to make original works based on the same traditional literary or artistic work and to continue to exploit the traditional literary and artistic works.

A collection of traditional literary or artistic works shall be protected under copyright without prejudice to the rights of others to make a similar collection or to continue to tell the stories or otherwise reproduce, modify, or sell the traditional works included in such collection.

Part 5 Related Rights Owners

Article 102 (revised). Related Rights Owners

Related rights owners are as follows:

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

Article 103 (new). Moral Rights of Performers

Independently of a performer's economic rights, and even after the transfer of those rights, the performer shall, as regards his live aural performances or performances fixed in phonograms, have the right to claim to be identified as the performer of his performances, except where omission is dictated by the manner of the use of the performance, and to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his honor and reputation.

The rights granted to a performer in accordance with this paragraph shall, after his death, be maintained until the expiry of the economic rights and shall be exercisable by the performer's heirs unless the performer has provided for the exercise of such rights by another.

Article 104 (new). Economic Rights of Performers

Performers shall enjoy the exclusive right to the following acts:

1. as regards their unfixed performances:
 - 1.1. the broadcasting and communication to the public of their unfixed performances except where the performance is already a broadcast performance;
 - 1.2. the fixation of their unfixed performances.
2. the direct or indirect reproduction of their performances fixed in phonograms, in any manner or form;
3. the making available to the public of the original and copies of their performances fixed in phonograms through sale or other transfer of ownership, provided that such right shall not extend to subsequent sales or other transfers of ownership of the original and of the same copy of the fixed performance that has been lawfully sold or otherwise transferred with authorization of the performer;
4. the commercial rental to the public of the original and copies of their performances fixed in phonograms, even after such phonograms have been distributed by, or pursuant to, authorization by the performer;
5. the making available to the public of their performances fixed in phonograms, by wire or wireless means, in such a way that members of the

public may access them from a place and at a time individually chosen by them;

6. the transferring to own performances work freely with contract or inheritance.

Article 105 (revised). Rights of Producers of Phonograms

Producers of phonograms shall enjoy the exclusive right to the following acts:

1. the direct or indirect reproduction of their phonograms, in any manner or form;
2. the making available to the public of the original and copies of their phonograms through sale or other transfer of ownership, provided that such right shall not extend to subsequent sales or other transfers of the original and of the same copy that has been lawfully sold or otherwise transferred with authorization of the producer of the phonograms;
3. the commercial rental to the public of the original and copies of their phonograms, even after distribution of them by or pursuant to authorization by the producer;
4. the making available to the public of their phonograms, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them;
5. the transferring to own phonograms work freely with contract or inheritance.

Article 106 (new). Rights of Performers and Producers of Phonograms to Remuneration

Performers and producers of phonograms shall enjoy the right to a single equitable remuneration for the direct or indirect use of phonograms published for commercial purposes for broadcasting or for any communication to the public. Phonograms made available to the public by wire or wireless means in such a way that members of the public may access them from a place and at a time individually chosen by them shall be considered as if they had been published for commercial purposes.

The remuneration shall be as provided by agreement between performers and producers of phonograms.

Article 107 (revised). Rights of Broadcasters and Broadcasting Organizations

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Article 109 (revised). Term of Copyright Protection

The term of copyright shall begin on the date the work is created and shall continue to the end of the calendar year of the dates described below:

1. except as otherwise provided in this article, fifty years after the date of death of the author, or for a work of joint authorship, fifty years after the date of death of the last surviving author;
2. for anonymous or pseudonymous works, fifty years from the date the work was lawfully made available to the public, provided, however, that the term shall be as provided in item 1 of this Article w 0 1.3()JTJ

use, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries;

2.

The limitations and exceptions applicable to copyright shall likewise apply to related rights, *mutatis mutandis*.

Article 113. Obligations of the Copyright and Related Rights Owner

The obligations of the copyright and related rights owner shall be implemented pursuant to Article 62 of this Law.

**Section 8
Collective Management Organizations**

Article 114 (new). Collective Management Organizations

Collective management organizations are associations managing copyright and related rights, established on the basis of agreement among authors, copyrights owners, related rights owners, to operate in accordance with the Law in order to protect copyrights and related rights.

Article 115 (new). Role of Associations Managing Copyright and Related Rights

Associations managing copyright and related rights shall perform the following roles:

1. to manage copyright and related rights on behalf of authors, copyrights owners, related rights owners; to negotiate on licensing, the collection of remuneration on behalf of such persons, and to divide and distribute royalties, remuneration and other material benefits there from the allowance of exploiting the authorized rights;
2. to protect member's rights and legal benefits, including representing the persons mentioned in item 1 above in legal proceedings, and to reconcile any dispute on their behalf.

Article 116 (new). Rights and Obligations of Associations Managing Copyright and Related Rights

The associations managing copyright and related rights shall have the rights and obligations as follows:

1. to establish encouraging creation activities and other social activities;
2. to cooperate with correlative national and international organizations on the protection of copyright and related rights;
3. to make report on collective management to competent authorities;
4. other rights and obligations according to the provisions of this Law.

**Section VI
Violations of Intellectual Property and Unfair Competition**

**Part 1
Violations of Intellectual Property**

Article 117 (revised). Violations of Industrial Property Rights

Violations of industrial property are any acts as provided in Article 55 to 61 of this Law without authorization from industrial property owner.

The acts set forth in paragraph 1 above shall not constitute a violation of industrial property where:

1. the claimed right is invalid because the conditions for protection have not been satisfied;
2. the term of protection has expired or the right is no longer in effect;

3. where authorization of the owner is required, the owner has granted such authorization or, for patent

3. performing any of the following acts, knowingly or having reasonable grounds to know that it will lead to an infringement of copyright or related rights:
 - 3.1. removing or altering any electronic rights management information without authority;
 - 3.2. distributing, importing for distribution, broadcasting, communicating or making available to the public, without authority, performances, copies of fixed performances or phonograms knowing that electronic rights management information has been removed or altered without authority.
4. recording or disseminating of satellite signal carrying encrypted or unencrypted programs for commercial purposes without the authorization of the lawful distributors.

Article 120 (revised). Unfair Competition

Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition. The following acts shall constitute acts of unfair competition and shall be prohibited:

1. direct or indirect use of a false indication of the source of a good or the identity of the producer, manufacturer, or merchant;
2. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;
3. false allegations of such a nature as to discredit the establishment, the goods, or the industrial or commercial

The intellectual property dispute settlement of international nature shall be proceeded in accordance with international conventions or agreements to which the Lao PDR is a party.

Part 2
Court Proceedings and Enforcement

Article 132 (new). Court Proceedings on Intellectual Property Right Violations

conditions which ensure the protection of confidential information. Where such party to a proceeding voluntarily and without good reason refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes a procedure relating to an enforcement action, the People's Court may proceed to make preliminary and final determinations, affirmative or negative, on the basis of the information presented to it, including the complaint or the allegation presented by the party adversely affected by the denial of access to information, subject to providing the parties an opportunity to be heard on the allegations or evidence.

Any individual, legal entity or organization who asserts that an act of infringement or unfair competition is excused as provided in paragraph 2 of Article 117 of this Law shall have the burden of proving such facts. This provision shall apply *mutatis mutandis* to acts of infringement of plant variety rights, copyright and related rights, or other violations set forth in this Law.

Infringement of a patent or petty patent shall be established only on the basis of evidence showing that the subject matter alleged to be infringing incorporates or implements each element of at least one claim of the patent or petty patent alleged to be infringed. Infringement is not negated by the presence of additional elements in the allegedly infringing subject matter or by the existence of claims in the patent or petty patent that are not infringed.

For a complaint alleging infringement of a trademark, collective mark, or certification mark, the complainant must show that:

1. the marks are similar in their appearance, sound or meaning;
2. that the marks relate to the same, similar, or related goods or services; and
3. the use of such marks is likely to confuse or deceive consumers as to the source, sponsorship, or characteristics of the goods or services or otherwise indicate falsely that there is a relationship between the complainant's goods or services and those of the alleged infringer.

Article 136 (new). Invalidity and Cancellation

Where a patent, petty patent, industrial design registration, trademark registration, integrated circuit layout-design registration, or plant variety protection certificate is held invalid by the People's Court, the Ministry of Science and Technology shall cancel such intellectual property accordingly. In the case of patents or petty patents, such holding shall specify the patent or petty patent claims to which the holding applies.

Article 137 (new). Remedies for Civil Enforcement

In the court proceedings, the plaintiff may request the People's Court to:

1. order the infringer to desist from an infringement;
2. order the suspension of Customs procedures;
3. order the seizure of goods to prevent the entry into the channels of commerce of imported goods that involve the infringement of an intellectual property right, immediately after customs clearance of such goods;
4. order a declaratory judgment of infringement;
5. order the infringer to pay damages adequate to compensate;
6. order the infringer to pay the right holder expenses, which may include appropriate attorney's fees;

7. order that goods that have been found to be infringing, be destroyed or otherwise disposed of in such a manner that such goods will not enter channels of commerce;
8. order that materials and implements the predominant use of which has been in the creation of the infringing goods be disposed of outside the channels of commerce in such a manner as to minimize the risks of further infringements.

In considering requests under items 7 and 8 above, the People's Court shall take into account for proportionality between the seriousness of the infringement and the remedies ordered as well as the interests of third parties.

In regard to counterfeit trademark goods, the simple removal of the trademark unlawfully affixed shall not be sufficient to permit the release of the goods into the channels of commerce.

Article 138 (new). Damage Awards

The People's Court shall set damage awards in an amount sufficient to compensate the party making the claim for its losses and to deprive the infringer or other violator of any profit from its unlawful act. The People's Court may order recovery of profits and/or payment of damages even where the infringer did not knowingly, or with reasonable grounds to know, engage in infringing activity.

Article 139 (new). Right of Information

Unless it would be out of proportion to the seriousness of the infringement, the plaintiff may request the Court to order a violator to inform the party bringing the action of the identity of third persons involved in the production and distribution of the infringing goods or services and of their channels of distribution.

Article 140 (new). Indemnification of the Defendant

A defendant may request the People's Court to order a party at whose request measures were taken and who has abused enforcement procedures to provide to a party wrongfully enjoined or restrained with compensation including expenses in connection with the legal action, which may include attorney's fees for the injury suffered because of such abuse.

Article 141 (new). Provisional Measures

An individual, legal entity or organization may file a complaint requesting the People's Court to order prompt and effective provisional measures to:

1. prevent an infringement of any intellectual property right from occurring;
2. prevent the entry into the channels of commerce of goods, including imported goods immediately after customs clearance;
3. preserve relevant evidence in regard to the alleged infringement;

Article 142 (new). Requirements for Application for Provisional Measures

An application for provisional measures shall be required to:

1. provide any reasonably available evidence in order to satisfy the Court with a sufficient degree of certainty that the applicant is the right holder and that the applicant's right is being infringed or that such infringement is imminent;
2. provide a security or equivalent assurance sufficient to protect the defendant and to prevent abuse;

3. supply other information necessary for the identification of the goods

4. to coordinate with the relevant provincial, city authorities in the implementation of intellectual property activities;
5. to coordinate and cooperate with foreign countries from the assignment of high level authority;
6. to summarize, report on the implementation of intellectual property activities to the Ministry of Science and Technology and provincial, city administrative authorities regularly;
7. to perform other rights and duties as stipulated in the laws and regulations.

Article 149. 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 organization;
3. reveal intellectual property information without authorization from the owner;
4. abusing one's position, duties, authority for personal, family or relative interests;
5. other illegal activities.

**Part 2
Inspection**

Article 150. 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 146 of this Law;
2. The external inspection authorities, comprising:
 - the National Assembly;
 - the State Audit Authority;
 - the Government Inspection and Anti-Corruption Authority.

Article 151. 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 152. 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 153. 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 exported and imported, seize and impound goods which violate intellectual property.

Article 154. 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 specific regulations.

**Section IX
Awards and Sanctions**

Article 155. Award Policies

Individuals, legal entities 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 156. Policies for Inventors and Creators

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

Article 157. Measures against Violators

Individuals, legal entities or organizations that violate the Law on Intellectual Property will be subject to education or warning, disciplinary action, fines, civil compensation, and/or criminal punishment as the case may be.

Article 158. Education or warning Measures

Individuals or organizations that 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 educated or warned.

Article 159. 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 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 160. Fines

Any individual, legal entity or organization who intentionally violates the Law on Intellectual Property or who commits a second or later unintentional violation shall be fined 1% of the damages value occurred.

Any individual, legal entity or organization that intentionally violates for a second time or repeatedly shall be fined 5% of the damages value occurred for each violation.

Ministry of Science and Technology shall issue the regulation to implement fines.

Article 161. Civil Measures

Any individual, legal entity or organization that violates this Law and causes damages to any other person shall be liable for such damages.

Article 162 (revised). Criminal Measures

Individuals that violate intellectual property rights, counterfeit, deceive, fraud or commit acts of unfair competition that result in damages against third parties, will be imprisoned between three months and up to two years and fined between 500,000 – 10,000,000 Kip.

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

Article 163. Additional Measures

In addition to the punishments set forth in Articles 162 of this Law, the violator may be subject to additional measures, in particular, suspension, withdrawal of business licenses, seizure of infringing goods and equipment involving in the commission of the offence.

**Section X
Final Provisions**

Article 164. Implementation

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

Article 165. Effectiveness

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

This Law supersedes the Law on intellectual property No 08/NA dated 24 December, 2007.

Regulations and provisions, which contradict this Law, are hereby repealed.

President of the National Assembly

Pany Yathotu