



TRADEMARK FILING REQUIREMENTS

LAO PDR



OCTOBER 2014



RECEIPT OF THE APPLICATION

The application for the registration of a mark must be filed with the Department of Intellectual Property (DIP) Lao PDR. The official languages for filing are Lao and English, but if the application is filed in English, the translation into the Lao language of such application and other documents must be submitted within 90 days from filing. The translation must be certified.

The Office accepts paper applications only.

REPRESENTATION

Representation is not required in Lao PDR. However, individuals, legal entities, or organizations from foreign countries requesting trademark registration and those without business establishment or residence in Lao must appoint an authorized representative in Lao PDR.

SEARCH, FORMALITY AND SUBSTANTIVE EXAMINATION

Once the minimum filing requirements (A) are met, the application will be accorded a filing date. The Office reviews compliance with the other requirements (B) and determines whether the mark can be registered using the criteria enumerated in (C). A search of possible conflicting marks is carried out as part of the examination.

A. Minimum Filing Requirements.

The Ministry of Science and Technology will give a filing date if the following minimum requirements are met:

- (a) Name, address, and nationality of the applicant;
- (b) Drawing, photograph, or specimen of the mark (the drawing must be a minimum of 4cm x 4 cm and shall not exceed 8cm x 8cm);
- (c) Filing fee.

B. Other Formality Requirements.

- (a) The specification of goods or services is not a requirement for the grant of a filing date. However, if the goods or services are not specified in the application and the filing date is accorded by the office, such omission is fatal to the application.
- (b) If the applicant is represented, a power of attorney and the name and address of applicant's representative in the Lao PDR;
- (c) If the application is for a collective or certification mark, an indication that it is so, together with a description of the way the mark will be used;
- (d) Where the priority of an earlier application is claimed, the details of the earlier application. A certified copy of the earlier application, together with a translation into Lao, must be submitted within three months;
- (e) If color is a material feature of the mark, the color must be shown in the representation of the mark and state the name of the color/s;
- (f) An indication that the mark is three-dimensional if it is one;



- (g) Electronic copy of the mark, if available;
- (h) Description of the mark, unless the mark is in standard characters;
- (i) If the mark contains foreign words or characters, the translation or transliteration of the mark into the Lao language;

C. Registrability.

The mark will be ineligible for registration if:

- (a) it is incapable of distinguishing the goods or services of the applicant from those of another individual, legal entity or organization;
- (b) it 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 established practices of the trade in the Lao PDR;
- (c) it is of such a nature as to deceive or mislead the public or trade circles in which the mark is used or is of a fraudulent nature;
- (d) it consists of or comprises indications that, when used in the course of trade, is liable to mislead the public as to the origin, nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods or services;
- (e) if consists of or contains without authorization from the relevant governmental entity, armorial bearings, flags, or other national emblems, and official signs, hallmarks, abbreviations or full names of towns, municipalities, provinces or capital of the Lao PDR or foreign countries;
- (f) it consists of or contains, without authorization from the relevant state or international organization, an emblem of an international organization or symbols created by international conventions, official seals or symbols of state or international organizations;
- (g) it consists of or contains, without authorization, the name, image, or likeness of a living person;
- (h) it consists of or contains, without authorization images of cultural symbols or historical monuments, or the name, image, or likeness of a national hero or a leader, or the mark would be offensive or contrary to the fine traditions of the nation;
- (i) it is identical or similar to trademarks already registered for the same, similar, or related goods or services;
- (j) it is identical, or similar to a well known mark for the same, similar or related goods or services;
- (k) it is identical, or similar to a trade name for a business that provides the same, similar, or related goods and services;



- (l) it may lead to a likelihood of confusion as to the source of the goods or services or falsely suggest an association with the registered mark or well known mark or trade name, as appropriate;
- (m) it consists of or incorporates a geographical indication which identifies a place other than the true origin of the goods; the mark that consists of or incorporates a geographical indication which, although literally true as to the territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another territory;
- (n) it consists of or contains matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute;
- (o) it is of such a nature as to create confusion with the establishment, the goods, or the industrial or commercial activities, of a competitor;
- (p) it is of such a nature that its use in the course of trade would discredit the establishment, the goods, or the industrial or commercial activities, of a competitor;
- (q) it is contrary to national security, social order, culture and the fine traditions of the nation.

PUBLICATION, REGISTRATION, AND OBJECTION/CANCELLATION

After consideration and examination of the application, and it fulfills the requirements provided for in the law, the registration certificate will be issued, the registration entered in the register, and the registration published in the official industrial property gazette.

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

CONTACT

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