



DESIGNS FILING REQUIREMENTS

# LAO PDR



JULY 2015



## RECEIPT OF THE APPLICATION

The application for the registration of a design must be filed with the Department of Intellectual Property (DIP), Ministry of Science and Technology of Lao PDR. The official languages for filing are Lao or 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 is not required in Lao PDR for resident filers. However, individuals, legal entities, or organizations from foreign countries requesting design registration and those without business establishment or residence in Lao must appoint an authorized representative in Lao PDR.

## FILING REQUIREMENTS

An application for the registration of industrial design shall include the following documents:

1. a request for registration of the industrial design;
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 (representation of the design);
4. a brief statement of the type of goods to which the industrial design relates;
5. payment of fees.

The application may include a claim of priority (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 Department of Intellectual Property, Ministry of Science and Technology shall accept the application and assign the filing date if the requirements are met.

## PRIORITY

An application for the registration of an industrial design, 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 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.

Where a priority claim is established, any subsequent filing before the expiration of the priority period shall not be invalidated by reason of any act as the putting on sale of copies of the design, and such act cannot give rise to any third-party right or any right of personal possession.

For industrial designs the priority period is six months from the priority date.



## WHAT MAY BE REGISTERED

In order to obtain an industrial design registration, it must meet all the following requirements:

1. It must be new, that it has not been disclosed to the public by publication or by use or displayed in Lao PDR or any place in the world prior to the date of filing or priority date of the application for registration;
2. It must be ornamental, i.e., it gives a special appearance to the object to which the design is applied or in which it is embodied.

## WHAT IS NOT REGISTRABLE

The following industrial designs shall not be eligible for registration:

1. A design the appearance of which is dictated solely by technical features of the object to which the design is applied or in which it is embodied;
2. A design that is contrary to social order and the fine traditions of the nation.

## EXAMINATION AND REGISTRATION

The Department of Intellectual Property, Ministry of Science and Technology will conduct a formality examination of each design application to ensure that the application is complete, in correct form, and that fees have been paid. The Department will then 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 Department of Intellectual Property, Ministry of Science and Technology will inform the applicant to complete the application within 60 days of notification.

After consideration and examination of the application, and if it fulfils 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.

## INVALIDATION

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



## TERM OF PROTECTION

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

## CONTACT

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