

Datasheet for business formalities.

Technical Assistance for Business Regulation Review and Rationalization in Lao PDR

REGISTRATION DATA		
Name of formality	Certificate for the Registration of Trademark	
Type of formality	Certificate	
Formality Code	Date of last modification	Responsible Authority
MoST-IPD-20	31.12.2017	Intellectual Property Department

BACKGROUND DATA	
Means of presentation	At the Authority Offices
Specific sector linked to the formality	All sectors
Purpose for enforcing the business formality	Registration to get the legal protection of their trademark under the Lao PDR law and in Lao PDR
Who should complete this business formality?	The owner of the 'trademark' that means the mark to use with goods or services as well as to distinguish between these goods or services and other goods or services and that owner intends to get the full protection over such trademark within Lao PDR
The formality has online information?	YES
Link to online information	www.most.gov.la
The formality has an application form?	YES
Any additional comment concerning the formality	1. Any individual, legal entity or organisation residing in a foreign country, who intends to apply for this Formality shall appoint an authorised representative in Lao PDR to carry out transactions relating to this Formality in Lao PDR 2. Application and any supporting documents may be filed in either Lao or English language; provided, however, that for any application filed in English, the applicant must within 90 days of such filing supply a Lao translation as certified to the authority again. 3. Where a trademark 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.

REQUIREMENTS AND SUPPORTING EVIDENCE	
Time it takes to the authorities to process the formality	300

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REQUIREMENTS AND SUPPORTING EVIDENCE	
Qualifications needed by the business to get the formality	<p>1. Trademark that will be registered shall have the following conditions: (i) the mark may be any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings; (ii) the mark is not identical to a previously registered mark, well-known mark, or geographical indication for the same goods or services; and (iii) the mark is not similar to a previously registered mark or well-known mark for the same, similar, or related goods and services, where the use of the later mark would tend to cause confusion as to the source of goods or services or create a false impression that they are connected or associated with another party; (iv) not being the prohibited mark as defined under Article 23 of the Law on Intellectual Property 2. Persons eligible to obtain protection for this Formality include: (i) a Lao citizen or resident in Lao PDR, or a legal entity or organisations established under the Lao PDR laws; (ii) an individual that is a national or resident 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 Lao PDR is also a member; (iii) an individual, legal entity or organisation with a real and effective industrial or commercial establishment in the territory of any member of the Paris Convention or of any other international agreement that relates to the protection of industrial property of which Lao PDR is also a member.</p>
Is there any reason for the authority to deny the issuing of the formality?	Deny in case that such trademark is the prohibited trademark as defined under the law

RENEWAL INFORMATION	
Does the formality have a validity or an expiration date?	How long will the formality be valid for? (in months)
YES	120
What is the process and conditions to renew the formality?	Renewal can be done for another 10 years continuously; provided in order to maintain the term of protection, the patent owner shall pay annual fees 10 years in advance.

ISSUING FEES				
Has application fees?	Service fees businesses need to disburse	Certificate fees businesses need to disburse	Application fees businesses need to disburse	Total fees businesses need to disburse
YES	300000.00	800000.00	20000.00	1120000.00
Comments	Reference: Comments from the Authority			

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RENEWAL FEES				
Has renewal fees?	Service fees businesses need to disburse	Certificate fees businesses need to disburse	Renewal fees businesses need to disburse	Total renewal fees businesses need to disburse
YES	300000.00	800000.00	20000.00	1120000.00
Comments	Reference: Comments from the Authority			

LEGAL FRAMEWORK			
Name	Number	Date	Comment
Law on Intellectual Property (Revised)	01/ສພຊ	20.12.2011	Part III Industrial Property Chapter 1 Industrial Property Requirements (Article 16) Chapter 2 Industrial Property Ineligible for Protection (Article 23) Chapter 3 Protection of Industrial Property (Article 26, 27, 31, 37, 38 to 41) Chapter 5 Terms of Protection of Patents (Article 51)

REQUIRED DOCUMENTS	
Document Name	Comment
Receipt for Fee Payment	ໃບຮັບເງິນຄ່າທຳນຽມ ແລະ ບໍລິການ Receipt for payment of fees.
Abstract	ບົດອະທິບາຍ ກ່ຽວກັບ ສິນຄ້າ ທີ່ເຄື່ອງໝາຍການຄ້າຈະຖືກນຳໃຊ້ ຫຼື ການບໍລິການ ທີ່ກ່ຽວຂ້ອງ. ຖ້າວ່າຄຳຮ້ອງຂໍ ຫາກກ່ຽວຂ້ອງກັບເຄື່ອງໝາຍການຄ້າລວມໝູ່ ຫຼື ເຄື່ອງໝາຍຮັບຮອງນັ້ນ ຄຳຮ້ອງຂໍຕ້ອງບົ່ງບອກເຄື່ອງໝາຍດັ່ງກ່າວໄວ້ຢ່າງຄັກແນ່ ແລະ ຕ້ອງປະກອບບົດອະທິບາຍ ກ່ຽວກັບ ການຈະນຳໃຊ້ເຄື່ອງໝາຍນັ້ນ. 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 related 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.
Drawings	ຮູບແຕ້ມ ຫຼື ຮູບຖ່າຍ ຫຼື ຕົວຢ່າງເຄື່ອງໝາຍທີ່ຈະແຈ້ງ. A clear drawing or other image or specimen of the mark.
Power of Attorney	ໃບມອບສິດ ທີ່ບົ່ງບອກຊື່ ແລະ ທີ່ຢູ່ຂອງຜູ້ຕາງໜ້າຕົນ ຢູ່ ສປປ ລາວ ໃນກໍລະນີ

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REQUIRED DOCUMENTS	
	ທີ່ຍື່ນຄຳຮ້ອງຂໍຜ່ານຜູ້ຕາງໜ້າ. If the applicant is represented, a power of attorney and the name and address of applicant's representative in the Lao PDR.
Application Form	ຄຳຮ້ອງຂໍຈິດທະບຽນເຄື່ອງໝາຍການຄ້າ. A request for registration of the trademark.

STATISTICS (Issue or/and renewed number)		
Year	Issued	Renewed
2016	2389	1334

LIST OF ATTACHED DOCUMENTS		
Name of document	Type of document	File of document