

**Datasheet for business formalities.**

**Technical Assistance for Business Regulation Review and Rationalization in Lao PDR**

REGISTRATION DATA		
<b>Name of formality</b>	<b>Registration of Patent</b>	
<b>Type of formality</b>	Certificate	
<b>Formality Code</b>	<b>Date of last modification</b>	<b>Responsible Authority</b>
MoST-IPD-17	22.12.2017	Intellectual Property Department

BACKGROUND DATA	
<b>Means of presentation</b>	At the Authority Offices
<b>Specific sector linked to the formality</b>	All sectors
<b>Purpose for enforcing the business formality</b>	Registration to get the legal protection of their invention under the Lao PDR law and in Lao PDR
<b>Who should complete this business formality?</b>	The owner of the 'Invention' that means the technical solution to create new product or process of production to resolve a specific problem and that owner intends to get the full protection over such Invention within Lao PDR
<b>The formality has online information?</b>	YES
<b>Link to online information</b>	<a href="http://www.most.gov.la">www.most.gov.la</a>
<b>The formality has an application form?</b>	NO
<b>Any additional comment concerning the formality</b>	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.

REQUIREMENTS AND SUPPORTING EVIDENCE		
<b>Time it takes to the authorities to process the formality</b>	960	1. The Department will conduct a formality examination of the each application to ensure that the application is complete and that fees have been paid. 2. After the formality examination, the Department will (i) publish the application in the official industrial property gazette in the 19th month after the date of filing the application; and (ii) conduct substantive examination to determine whether it meets the requirements for patentability as described in Lao PDR laws within the framework of 32 months; provided, however, that if

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<b>REQUIREMENTS AND SUPPORTING EVIDENCE</b>	
	application has previously been subject to a search or examination by another authority, the applicant may submit a copy of the report of such office and request that it be accepted by the Department in lieu of conducting a search in Lao PDR.
<b>Qualifications needed by the business to get the formality</b>	1. The invention that will be registered shall meet the following requirements: (i) 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 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; (ii) shall involve an invention steps - meaning that would not be obvious to a person having ordinary knowledge in that field of technology; (iii) shall be industrially applicable in industry, handicraft, agriculture, fishery, services, etc. 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.
<b>Is there any reason for the authority to deny the issuing of the formality?</b>	1. Deny in case that the Invention does not meet the requirements; or 2. Deny (i) where it is necessary to prevent its commercial exploitation to protect culture and the fine traditions of the nation, including to protect human, animal or plant life or health or to avoid serious prejudice to the environment; or (ii) where necessary for the protection of the essential security interest of Lao PDR.

<b>RENEWAL INFORMATION</b>	
<b>Does the formality have a validity or an expiration date?</b>	<b>How long will the formality be valid for? (in months)</b>
YES	240
<b>What is the process and conditions to renew the formality?</b>	In order to maintain the term of protection, the patent owner shall pay annual fees in advance.

<b>ISSUING FEES</b>				
<b>Has application fees?</b>	<b>Service fees businesses need to disburse</b>	<b>Certificate fees businesses need to disburse</b>	<b>Application fees businesses need to disburse</b>	<b>Total fees businesses need to disburse</b>
YES	600000.00	300000.00	200000.00	1100000.00

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<b>ISSUING FEES</b>	
<b>Comments</b>	Reference: Presidential Edict 03/PR Service Fee shall be collected for each steps of the review with the total minimum amount of 1,200,000 LAK;

<b>RENEWAL FEES</b>				
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	6400000.00	0.00	42000000.00	48400000.00
<b>Comments</b>	Reference: Presidential Edict 03/PR 1. Renewal Fee for the total period of 20 years of validity, calculated in the following rate: (i) first 4 year = 300,000 LAK; (ii) 5th year = 300,000 LAK; (iii) 6th year = 400,000 LAK; (iv) 7th year = 500,000 LAK; (v) 8th year = 600,000 LAK; (vi) 9th year = 800,000 LAK; (vii) 10th year = 1,000,000 LAK; (viii) 11th year = 1,400,000 LAK; (ix) 12th year = 1,800,000 LAK; (x) 13th year = 2,300,000 LAK; (xi) 14th year= 2,800,000 LAK; (xii) 15th year = 3,300,000; (xiii) 16th year = 3,900,000 LAK; (xiv) 17th year = 4,500,000 LAK; (xv) 18th year = 5,100,000 LAK; (xvi) 19th year = 5,700,000 LAK; and (xvii) 20th year = 6,500,000 LAK 2. Service fee for the maintenance of the patent validity shall be paid on the annual basis from the 5th year at the rate of 400,000 LAK In the case the patent owner do not want to reserve their right, he / she can suspend the payment of the fee and the patented invention will become public domain for the general public upon such suspension			

<b>LEGAL FRAMEWORK</b>			
Name	Number	Date	Comment
Law on Intellectual Property (Revised)	01/ສລຸຊ	20.12.2011	Part III Industrial Property Chapter 1 Industrial Property Requirements (Article 13) Chapter 2 Industrial Property Ineligible for Protection (Article 21) Chapter 3 Protection of Industrial Property (Article 26, 27, 31, 37, 38 to 41) Chapter 5 Terms of Protection of Patents (Article 48)

<b>REQUIRED DOCUMENTS</b>	
Document Name	Comment
Power of Attorney	If the applicant is represented, a power of attorney and the name and address of the applicant's representative in the

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<b>REQUIRED DOCUMENTS</b>	
	Lao PDR. ໃບມອບສິດ ທີ່ບົ່ງບອກຊື່ ແລະ ທີ່ຢູ່ ຂອງຜູ້ຕາງໜ້າຕົນ ຢູ່ ສປປ ລາວ, ໃນລະນີ ທີ່ຍື່ນຄຳຮ້ອງຂໍຜ່ານຜູ້ຕາງໜ້າ.
Abstract	
Drawings	(If needed to understand the invention) (ຖ້າຕ້ອງການ ເພື່ອໃຫ້ເຂົ້າໃຈການປະດິດສ້າງ ຫຼື ສິ່ງປະດິດ)
Invention Claims	Claims that clearly specify the subject matter to be protected and are supported by the description. ໃນຂໍ້ຮຽກຮ້ອງຂໍຮັບສິດ ຕ້ອງກຳນົດຢ່າງຈະແຈ້ງ ຫົວຂໍ້ທີ່ຈະປົກປ້ອງ ແລະ ມີບົດອະທິບາຍ ສະໜັບສະໜູນຂໍ້ຮຽກຮ້ອງນັ້ນ.
Invention Description	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. ບົດອະທິບາຍ ກ່ຽວກັບການເປີດເຜີຍ ການປະດິດສ້າງ ຫຼື ສິ່ງປະດິດ ຢ່າງຈະແຈ້ງ ແລະ ຄົບຖ້ວນ ເພື່ອໃຫ້ບຸກຄົນທີ່ມີຄວາມຮູ້ທົ່ວໄປ ໃນຂົງເຂດເຕັກໂນໂລຊີທີ່ກ່ຽວຂ້ອງເຂົ້າໃຈ ແລະ ໃຊ້ການປະດິດສ້າງ ຫຼື ສິ່ງປະດິດນັ້ນ ໃຫ້ເປັນປະໂຫຍດ, ບົດອະທິບາຍ ຈະຕ້ອງເປີດເຜີຍວິທີທີ່ດີສຸດ ສຳລັບການຜະລິດ ຫຼື ນຳໃຊ້ການປະດິດສ້າງ ຫຼື ສິ່ງປະດິດ.
Receipt for Fee Payment	

<b>STATISTICS (Issue or/and renewed number)</b>		
Year	Issued	Renewed
2017	4	0
2016	2	0

<b>LIST OF ATTACHED DOCUMENTS</b>		
Name of document	Type of document	File of document