

LAOS

PATENT HANDBOOK

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Disclaimer: This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change.

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In Laos, patent protection is obtainable by way of either entering the national phase of a PCT application or filing a direct national application.

Legislation

Decree No. 01/PM on Patent, Petty Patent and Industrial Designs.

Patentability Criteria

A patent has to fulfill the following conditions in order to claim protection.

- it is new
- it involves an inventive step
- it is industrially applicable

Non-Patentable Subject Matter

- discoveries, scientific theories and mathematical methods,
- schemes, rules or methods for doing business, performing mental acts or playing games,
- methods for the treatment of the human or animal body by surgery or therapy, and diagnostic methods practiced on the human or animal body;
- pharmaceutical products as provided in Article 136 of this Law;
- plant or animal varieties or essentially biological processes for the production of plant or animals,
- plant varieties.

Petty Patents

The Laos patent system also provides for the grant of petty patents (utility model). A petty patent must fulfill the criteria of novelty and industrial applicability (but not inventiveness). Validity of a petty patent is 10 years from the official filing date in Laos and can be extended one time for a period of 2 years, provided that annual maintenance fee is paid. The maximum term of protection 12 years.

Membership

- ✓ - Paris Convention
- ✓ - PCT

Laos is a member of the Paris Convention from 1998, whereby applications from convention countries will be subject to the same priority date in Laos. The application for priority has to be made within six months of the first application in a convention country.

Laos is also a member of the PCT since 2006. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Laos within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

Rule of Priority

"First to file" is the rule followed by Laos in determining priority of patents.

Duration

The duration of protection is 20 years from the official filing date, provided that annual maintenance fee is paid.

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" Today's Asset, Tomorrow's Value "

Procedures

▼ Application

Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

Time from the filing to granting date is 50 months (as for Patent) and 12 months (as for Petty Patent).

Where the application fulfils the requirements, the Registry shall accord as the filing date, the date of receipt of the application.

If the application did not fulfill the requirements, the registry shall invite the applicant to file the required correction and shall accord as the filing date, the date of receipt of the required correction but if no correction is made, the application shall be treated as if it had not been filed.

▼ Examination

After examination, and the conditions are satisfied, the Registry shall notify the applicant to pay the prescribed fee, publishes to the public and issues a certificate of the grant of the patent.

Filing Requirements

The following information and/or documents are required to file an application for a patent application in Laos:-

Direct National Application:-

- Application Form:-
 - △ the name and address of the applicant;
 - △ the name and address of the inventor;
 - △ title of the invention/petty invention; and
 - △ country, application number and filing date of the original foreign application from which priority is claimed (if priority is claimed).
- Appointment of Patent Agent.
- Filing of an assignment from inventor to applicant.

PCT National Phase Application:-

- A copy of the PCT application in English language (i.e. request form PCT/RO/101);
- The details of the PCT application (suitably, the bibliographic page as published by WIPO);
- One copy of the PCT specification as originally filed (in or translated to English);
- One copy of any amendments filed in the international phase (in or translated to English);
- An Appointment of Agent form signed by the applicant; and
- If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.

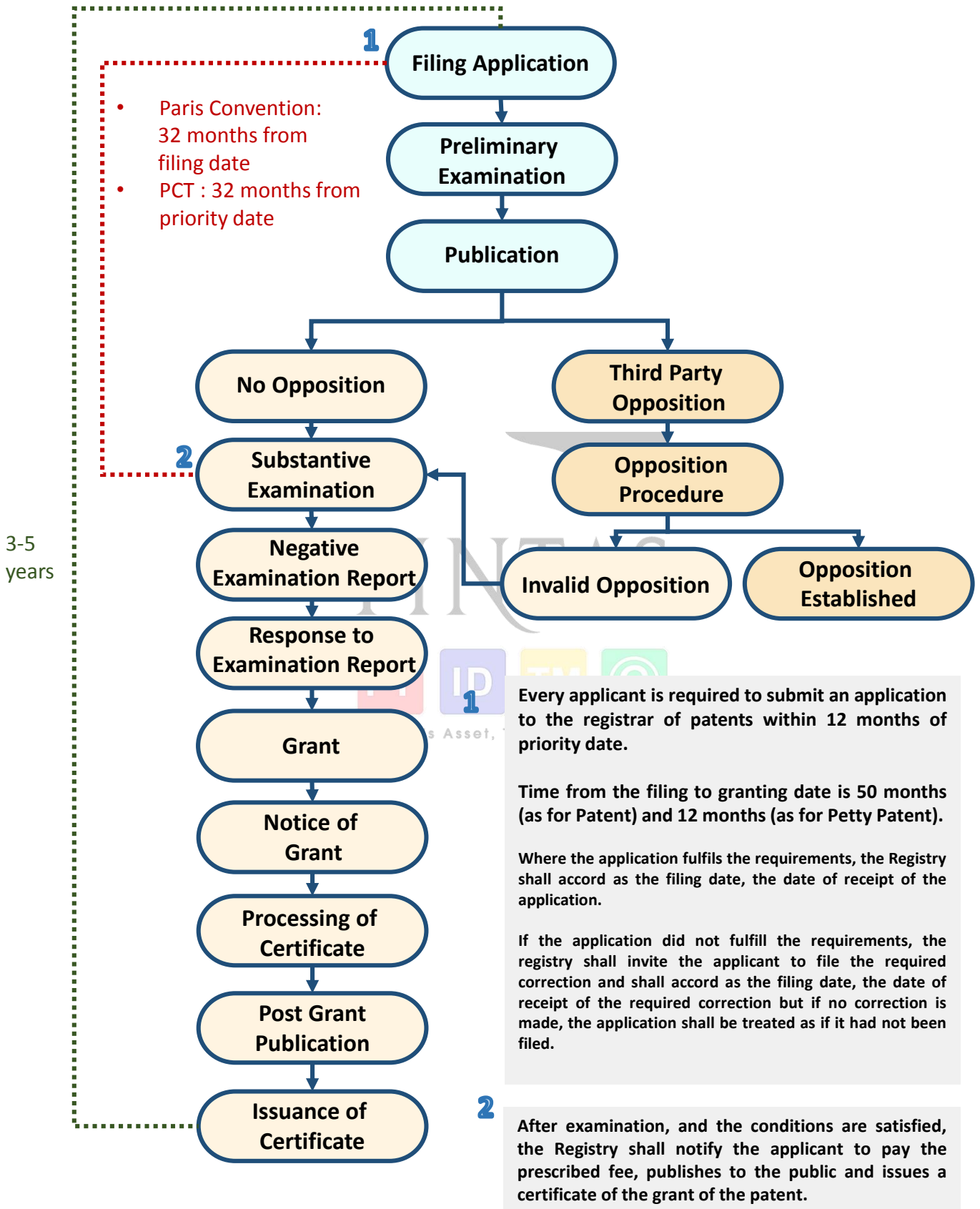
Documents To Be Furnished For Filing A Patent Application in Laos

Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification including description, claims, abstract	2 copies	On filing date
Drawings	2 copies (If Any)	On filing date

Additional Documents for Convention Patent Application		
Documents	Remarks	Time of Filing
Certified priority documents	Convention priority can be claimed within 12 months from the first filing date of a foreign application.	On filing date
Search report of the invention issued by any patent examiner of the foreign country or by relevant international organization	Certified copy of the basic patent application	On filing date
Power of Attorney	Notarized	On filing date
Deed of Assignment	Notarized	On filing date

Documents for Entry of PCT National Phase in Laos	
Documents	Time of Filing
Details of the PCT application	On filing date
International preliminary examination report	On filing date
International search report	On filing date
Notification of recording of a change	On filing date
Amendments file in the international phase	On filing date

Patent Application Process In Laos (Substantive Examination Regime)



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