

Patent Protection and Application Process In Lao PDR

Sub-Regional Workshop
on the Utilization of Patent Examination
Results to Enhance Patent Examination
Capacities and Increase the Quality of Patents
November 29 to December 01, 2011 Kuala
Lumpur, Malaysia.

Ms. Sida YOUTRICHANTHACHAK

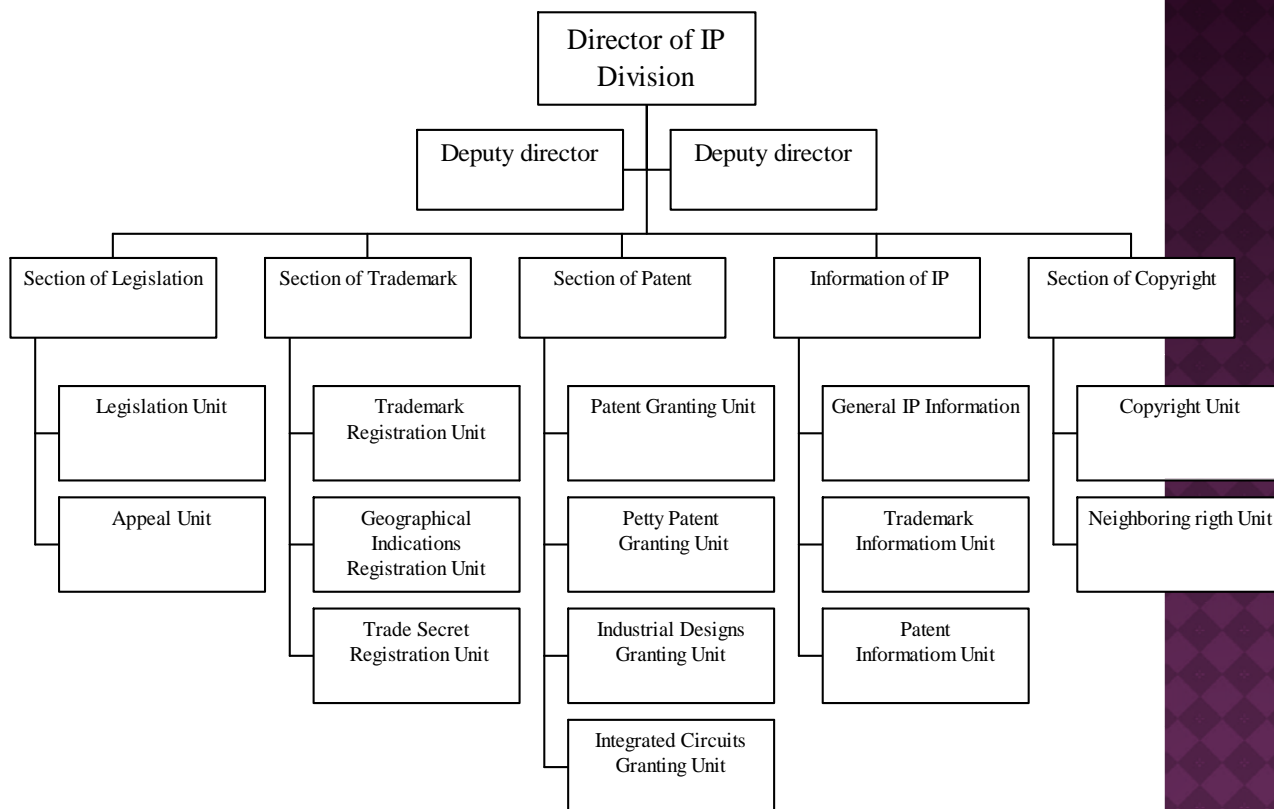
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INTRODUCTION

- Department of Intellectual Property was established in 1990, belong to Ministry of Science and Technology (MOST)
- Division of Industrial Property responsibilities of Protection of Intellectual Property matters including Trademark, Patent, Petty patent and Industrial Design and Neighboring right.

ANNEX I Intellectual Property (IP)



BACKGROUND

- Since 1993: The Department of Intellectual Property was in charge of Intellectual Property Protection matters in Lao PDR.
- Member of WIPO in 1995.
- Joined Paris in 1998.
- Joined PCT in 2006.
- Joined ASEAN and AWGIPC in 1997.
- In the process of negotiation for the Accession of the Lao PDR to the World Trade Organization (WTO).

Patent Legislation

- The Prime Minister Decree on Patent, Petty Patent and Industrial Designs No.1/PM dated January 17, 2002
- National Authority for Science and Technology of Regulation on the Implementation of Decree on Patent, Petty Patent and Industrial Designs No. 322/nast-PMO, February 18, 2003.
- Intellectual Property Law No. 08/NA adopted December 24, 2007.

REQUIREMENTS FOR A PATENT

- ◉ Novelty
- ◉ Inventive step
- ◉ Industrialization

PATENT ADMINISTRATION

- ◉ Lao PDR has established a single authority to administrate the protection of all IP which is the Department of Intellectual Property (DIP)
- ◉ The Patent administration is in charge by the Industrial Property Division of the DIP
- ◉ Since 2004 the Industrial Property Division has been receiving patent applications and up today 163 applications have been filed in Lao PDR.
 - 10% local applications
 - 90% foreign applications and Claiming Priority
 - 40 PCT applications
 - 12 applications Rejection and Refuse

The Industrial Property Division has not been granted any patent yet.

APPLICATION PROCESS

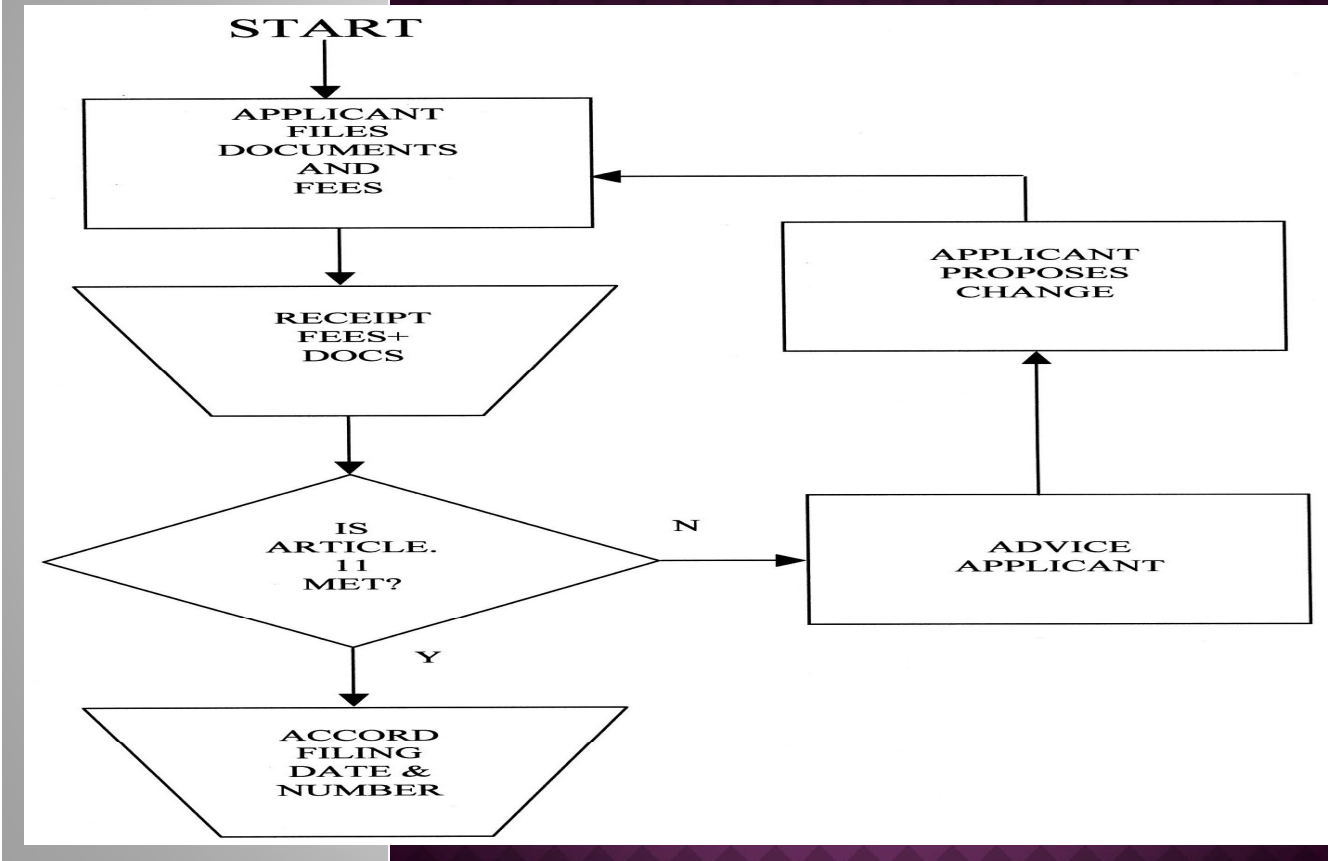
- ◉ A request for registration of the patent.
 1. the application for the registration of the invention;
 2. power of attorney;
 3. explanation;
 4. claims for rights;
 5. drawings;
 6. Abstract;
 7. certificate of priority date;
 8. receipts of payment of fees.

Examination Procedures

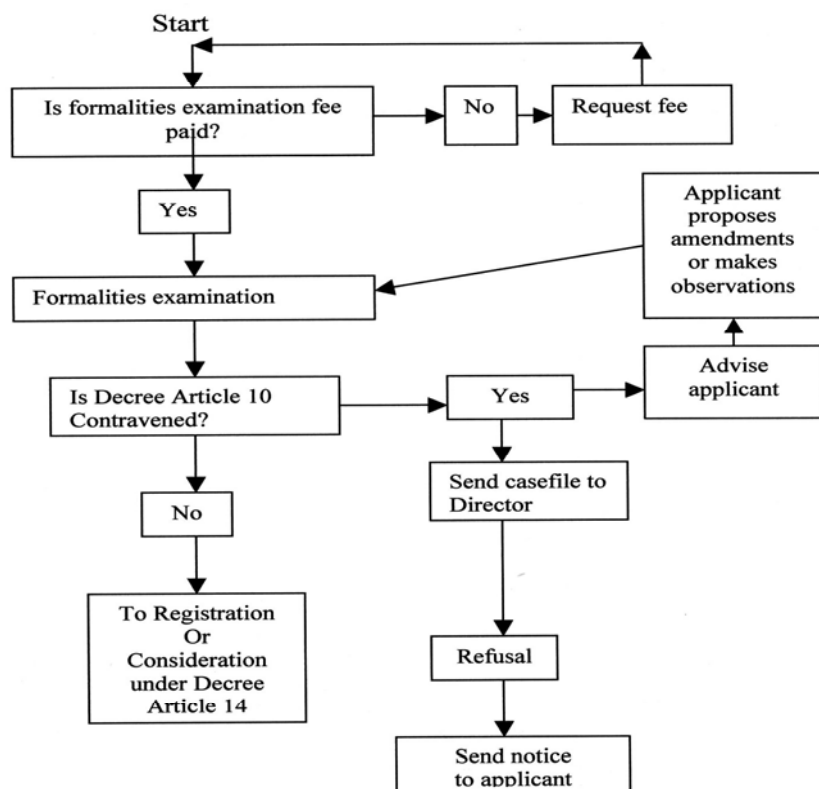
The patent Section is doing:

- Filing and Fees
- Formality Examination
- Publication of Patent application with in the 19th month after filing the application or after the priority date.

• FLOWCHART OF PATENT PROCEDURE



The following is the flowchart for the formalities examination process for a petty patent or for a patent application.



The term of Protection Patent

- The term of protection of Patent shall be 20 years from the date of filing the application for registration
- In order to maintain the term of protection, the Patent owner must pay fees in advance every years.

CONCLUSION

- It is an overview of current situation on Patent Protection in LAO PDR. It requires more assistance and exchange of experiences with others countries to establish the Patent Protection system in our country.