

Patent System in Lao PDR



Context

- Introduction
- Background
- Patent Legislation
- Patent administration
- Issues and Challenges
- Future Direction
- Conclusion

Introduction

In today's competitive environment of free trade and globalization, the protection of IP as well as patent has become an increasingly important international issue. The emergence of a new global economy propelled by rapid technological advance and worldwide information communication technology has placed patent in the mainstream of the national development policy in many countries. So, that's why patent protection is considered to be one important element of the Lao Government policy.

Background

- Since 1993, the Department of Intellectual Property Standardization and Metrology of the National Authority for Science and Technology (NAST) under the Prime Minister's Office was in charge of Intellectual Property matters in Lao PDR.
- Member of the World Intellectual Property Organization (WIPO) in 1995.
- Joined Paris Convention for the Protection of Industrial Property in 1998.
- Joined Patent Cooperation Treaty (PCT) in 2006.

- Joined the Association of Southeast Asian Nations (ASEAN) and ASEAN Working Group on IP Cooperation (AWGIPC) in 1997.
- In the process of negotiation for the Accession of the Lao PDR to the World Trade Organization (WTO).

Patent Legislation

- Decree on Patent, Petty Patent and Industrial Designs No 01/PM dated January 17th, 2002.
- Regulation the Implementation of Patent, Petty Patent and Industrial Designs No 322/STEA-PMO dated February 18th, 2003.
- Law on Intellectual Property No 08/NA dated December 24th, 2007.
- Draft Decree on the Implementation of Law on Intellectual Property.

Patent Administration

Lao PDR has established a single authority to administrate the protection of all IP which is the Department of Intellectual Property Standardization and Metrology (DISM) of NAST under the Prime Minister's Office.

The patent administration is in charge by the Industrial Property Division of the Department of Intellectual Property Standardization and Metrology (DISM)

Since 2004 the Industrial Property Division has been receiving patent applications and up today 124 patent applications have been filed so far in Lao PDR.

- 08 local applications
- 116 foreign applications

After joining the PCT in 2006 the Industrial Property Division has been receiving 42 PCT applications.

The Industrial Property Division has not yet granted any patent. Actually, we are in the process of granting patents.

General Principle:

A patent means the title granted by the Government to protect an invention.

Any invention shall be entitled for protection if it is new, inventiveness and is industrially applicable and its prior art is not disclosed to the public anywhere in the world by use or in any form, prior to filing or where appropriate, the priority date of the application claiming the invention.

Non-Patentable Invention:

Exclusion from patent protection are discoveries, scientific theories, mathematical methods, schemes, rules or methods for performing mental acts, methods for doing business, methods for treatment of human and animal body and inventions which are contrary to the public order or the national cultural morality.

Search and Examination Procedures

Formality Examination:

The Industrial Property Division is doing only a formality examination.

Substantive Examination:

The Industrial Property Division is not doing a substantive examination but recognize and accept a search and examination report from other IP Office around the world.

For an application filed by a local applicant the Industrial Property Division will make a formality examination. Where the result of the formality examination is positive the IP Division will request WIPO to arrange for a search of the relevant prior art. The Industrial Property Division will consider the result of any search.

A local applicant can also use his application as the basis of an application in another to country so as to get a search report on his claims in order to meet the requirements of patent decree and regulation. The applicant may be able to use a granted patent in a prescribed country as the basis of a patent in the Lao PDR.

For an application filed by a foreign applicant the Industrial Property Division will make a formality examination and then ask a foreign applicant to provide information about foreign equivalent applications.

The foreign applicant may be able to use searches done on these foreign equivalent applications and any patents granted in prescribed countries as the basis of a patent in the Lao PDR.

Issues and Challenges

- Lack of expertise
- Lack of human resource
- Lack of good ICT infrastructure
- Lack of digital library and database

Future Direction

Recognizing the significant role that the patent system plays in the development of the country and advantages to be derived by the Lao PDR from the patent protection, we are committed

to modernizing and strengthening our system in line with international trends.

- Developing a National Intellectual Property Policy.
- Strengthening the capacity of patent system by the aim to be able to use patent information for social-economic development.
- Promoting the use of Patent Information by Businesses Enterprises and Research and Development Institutions
- Upgrading the Office Automation.
- Developing a Digital Library and Database.
- Establishing Patent Information Center.
- Human resource development in the field of patent.

Conclusion

It is an overview of current situation on patent administration in Lao PDR. Therefore, it requires more assistance and exchange of experiences with other countries to improve the patent system in our country.

The patent protection is now being given great attention as an incentive and encouragement for the promotion of innovation, investment, trade and economic development of the nation.



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Thank you

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