

Trademark Protection in Laos

GENERAL

Laos is a member of the World Intellectual Property Organization (WIPO) since January 1995, of the Paris Convention for Protection of Industrial Property since October 1998 and of the PCT (Patent) since June 2006.

Regarding the IPR matters, Cambodia has issued the following legal documents which are effective in Laos:

- Decree of the Prime Minister on Trademarks No. 06/PM dated January 18, 1995;
- Decree of the Prime Minister on Patents, Industrial Design and Utility Models on January 2002; and
- Implementation Regulations of the Decree on Patents, Industrial Designs and Utility Models on February 2003.

Trademark and other subjects of industrial property, such as patent, industrial design, utility solution, etc. can be filed and protected now in the country. Laos has adopted the “first to file” system of registration.

I. TRADEMARK REGISTRATION PROCEDURES

Laos adopts the International Classification of Goods and Services under the Nice Agreement (8th Edition). Trademark, service mark and collective mark are registrable in Laos, however each trademark application can be applied for one mark in one class of goods/services only. Priority right can be claimed in accordance with the Paris Convention.

Formality and substantive examination shall be conducted for all trademark applications filed in Laos. The substantive examination is conducted to identify any prior registered mark which are identical with or similar to the claimed mark. Certificate of Trademark Registration is usually granted within 6-8 months from the filing date.

1. DOCUMENTS REQUIRED FOR FILING

To file a trademark application in Laos, the following information and documents are required:

- (i) Full name and address of the applicant;
- (ii) Trademark specimens (15 specimens) with the size not larger than 100mm x 100mm and not smaller 50mm x 50mm;
- (iii) Translation and transliteration of the mark if the mark is not in English;
- (iv) A list of goods/services and the International Classification of respective goods/services (if known);
- (v) Priority data for claiming priority right under the Paris Convention (if any), including application number, priority date, country. Original certified copy of the priority application and the English translation can be lodged later, after filing; and
- (vi) A notarized Power of Attorney from the applicant which is described in Section 6 hereunder. Power of Attorney should be notarized by a Notary Public in any country, while legalization is not required. One Power of Attorney can be used for plurality if no particular mark is identified in the Power of Attorney. A fax copy is acceptable at filing provided that the original is submitted later.

2. REGISTRATION COSTS

The total cost for registration of a trademark in Laos, including official charges and attorney fees, communication cost and V.A.T. is about US\$300-310.

3. PROTECTION TERM AND RENEWAL

The term of protection of trademark in Laos is 10 years from the date of filing (or from the priority date, if any). The registered mark is renewable for unlimited times, each of 10 years.

The trademark owner shall be obliged to use the trademark in Laos. If the registered mark is not used in Laos, the trademark cancellation will be vulnerable to cancellation at a third party's request.

II. RENEWAL

1. DOCUMENT REQUIRED FOR RENEWAL

- (i) Original notarized Power of Attorney;
- (ii) Photocopy of original Certificate of Trademark Registration;
- (iii) 15 samples of trademark;

2. RENEWAL COST

The total cost for renewal is of a trademark registration in Laos (for 1 mark in 1 class), including official charges and attorney fees, communication cost and V.A.T is about US\$300-310.

3. TIME INVOLVED

In practice, the time involved for completing of recordal of renewal is about 5-7 months from the filing date in Laos.

III. RECORDAL OF CHANGE OF NAME/ADDRESS

1. DOCUMENTS REQUIRED

- (i) Original notarized Power of Attorney;
- (ii) Original notarized Declaration of Change of Name/Address or legal document showing the change of name/address;
- (iii) Photocopy of Certificate of Trademark Registration.

2. COST FOR RECORDAL OF CHANGE OF NAME/ADDRESS

The total cost for recordal of change of name/address for one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$140-150.

3. TIME INVOLVED

The time involved for completing of recordal of change of name/address is 5-7 months from the filing date.

IV. RECORDAL OF ASSIGNMENT

1. DOCUMENTS REQUIRED:

- (i) Original notarized Power of Attorney;

- (ii) Original notarized /certified copy of the Assignment Agreement;
- (iii) Photocopy of Certificate of Trademark Registration.

2. TIME INVOLVED

The time involved for completing of recordal of assignment is about 6-9 months.

3. COST FOR ASSIGNMENT

The cost for recordal of assignment for one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$140-150.

V. RECORDAL OF LICENSE

1. DOCUMENTS REQUIRED

- (i) Original notarized Power of Attorney;
- (ii) Original notarized/certified copy of the License Agreement;
- (iii) Photocopy of Certificate of Trademark Registration.

2. COST FOR RECORDAL OF LICENSE

The cost for recordal of assignment for one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$140-150.

3. TIME INVOLVED

the time involved for completing of recordal of trademark license agreement is 6-9 months from the filing date in Laos.

Equitization/ Privatization &

Restructuring

Highly Recommended: Vision & Associates is highly recommended.

Asialaw Profiles 2016/2017

We understand the challenges of conducting business in today's complex corporate world and can help you manage the risks and resolve problems quickly and cost effectively. Our service covers all essential corporate, M&As, regulatory and compliance issues that affect corporations, from shareholders' rights to statutory reporting requirements.

Our Team

Together with our legal team, we have a team of lawyers and business consultants with not only good legal backgrounds and skills but also business mind and strong ties to the sector. We have involved also in a number of corporate transactions in the country, including acquisitions, mergers, de-mergers and re-structures, some of which can be referred to as national deals in terms of the value of the transactions or the innovative solutions that we have brought in. We have a good understanding of the issues clients face in their business and we have the expertise and resources to help them resolve those. Above all, our team is known to be one of the most recommended choices in the sector in Vietnam.

Our Services

Our substantial experience of working on various corporate and M&A issues enables us to make a valuable contribution thereto right from the start. Together with our legal team, we offer our services to not only domestic but also international corporate clients in and to Vietnam, covering all segments of their business operations, including:

- Corporate advisory services;
- Due diligence;
- Compliance, reporting and disclosures;
- Institutional document drafting and updating;
- Corporatization, equitization or privatization;
- Acquisitions, mergers, de-mergers, consolidations, re-organizations, conversions; and
- Corporate re-structuring, liquidation and dissolution.

Our Clients

Our clients in this field include not only local large-scale corporations such as Vinachem, VinaCoal, Vinacafe, Sowatco, MHB but also foreign corporations in various sectors such as Motul SA, SwissRe, DeAM, Aureous, etc.

Feasibility Studies

Recommended: “[...]”

Asialaw Profiles 2016/2017

“Vision & Associates is strong independent Vietnamese firm that sits at the top of the legal market. It has worked on large transport, energy and telecommunication project developments.”

International Finance Law Review 1000 2016/2017

Being one of the safest and most attractive destinations for foreign direct investment and business in the Southeast Asia in recent years, Vietnam is committing to open the market, which provide foreign investors and businessmen with great opportunities of investment and business in the country. With

20 years of experience in the field of foreign direct investment, the Firm and its partners are strongly confident in providing clients with advices and support in any phases of the full process of foreign direct investment and doing business in Vietnam.

Our Team

Together with our legal team, we have a team of lawyers and business consultants with not only legal background but also business mind and strong ties to the field, evidencing by a large number of clients having their foreign direct investment and business doing in Vietnam. We have come face to face with a series of the legal and business issues that confront clients during the process of their investment in Vietnam, and based on those advise clients on how to overcome.

Our Services

We can work in the way clients do to together with them carry out the pre and feasibility studies to help them finalizing their business ideas before having their investment or business doing in Vietnam, and base on those to implement their investment and business doing in Vietnam.

Our services in this area cover the following sectors:

- Property (including residential area/ apartment/ hotels, resorts, golf courses);
- Manufacturing (including textile, car assembling, steel processing, electronics production); and
- Services (including consumer trading, logistics, mass media, education, hospital, tourism).

Our Clients

Our clients in this area include corporate clients such as Arcelor-Mittal, Syn Ivy, Intra, Riviera, Toyo Components, ACG, TNS, HEG, CPI, Yokogawa, Logistica, Watertech, etc..

Business Idea & Finalization

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Our Services

Together with our legal team and prior to having our advices

and assistance to clients for realization of their business ideas, we offer clients a wide range of pre-investment services which enable them to better understand the legal, investment and business environment in Vietnam, identify the most suitable investment and business sector and areas that they should do their investment and business, and together with them to develop and finalize the investment and business ideas for the best realization of them in the context of Vietnam.

Together with our legal team, our services in this area cover:

- Business idea identification;
- Market/ sectoral surveys & updates;
- Partner identification, due diligence & match making;
- Location identification and due diligence;
- Feasibility studies and investment/ business idea finalization.

Our Clients

Our clients in this area include the corporate clients such as Arcelor-Mittal, AVK, Cargill, CPI, Samsung Electronics, Ariston, etc. and donor organizations such as DANIDA-PSD, GTZ, etc. (for the benefits of their corporate members).