

## Patent opposition in Laos - What types of patent opposition procedure are available in Laos?

Laos operates a pre-grant opposition system which is available to both invention patent and utility innovation petit patent. Under Article 13 of Decision 1714/MOST, any interested party may oppose the grant of an invention (patent) or a utility innovation (petit patent) within 90 days of the application being officially published in the official gazette for the registration of industrial property.

### 1. Time-limit:

You may file a Notice of Opposition to a patent or petty patent application in Laos within 90 (ninety) days from the publication date in the official gazette for the registration of industrial property.

### 2. Required documents:

The documents shall be completed according to the form template provided by DIP and service charge paid. An opposition must comprise the following documents: (i) A Notice of Opposition to a patent or petty patent application; (ii) supporting documents and evidence clarifying the opposition; and (iii) Payment receipt of service charges.

### 3. Opposition proceedings:

DIP will handle a Notice of Opposition to a patent/petit patent application in the following processes:

- (i) DIP shall promptly notify the applicant for a patent or petty patent of the opposition upon the receipt of the opposition request;
- (ii) The applicant shall submit his/her explanation along with information and evidence supporting its invention or utility innovation with the Department of Intellectual Property within sixty days from the date of the notification regarding the opposition request;
- (iii) DIP shall also make a copy of the notification to the proposer of the objection;
- (iv) DIP shall consider the explanation, information and evidence submitted;
- (v) In the event that the information and evidence of the proposer of the opposition or the applicant for patent or petty patent rights are not complete or unclear, DIP shall invite both parties to clarify or show additional evidence or information;
- (vi) DIP shall examine the opposition based on evidence in hand, if the applicant for patent or petty patent rights or the proposer of the opposition does not come to clarify or show their evidence or give more information within 60 (sixty) days from the date of the invitation;
- (vii) DIP shall notify the applicant for patent or petty patent rights or the proposer of the opposition the result of examination along with the reasons;
- (viii) DIP shall reject the application for patent or petty patent rights if it is considered that the opposition is reasonable and has sufficient supporting evidence;
- (ix) DIP shall continue to examine the application for patent or petty patent rights if it is considered that the opposition is not reasonable and does not have sufficient supporting evidence;
- (x) In the event that any party does not satisfy the consideration, he/she can make a request to the Committee of the Department of Intellectual Property of Final Consideration within sixty days from the date of notification.

### ***Apart from oppositions, are there any other ways to challenge a patent in Laos?***

After the 90-day opposition period post publication, any interested party may need to wait until the grant of patent and/or petit patent to file a cancellation/invalidation action. A third-party observation is not available in Laos like some other countries.

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