

## Post-Procedures of the Grant of Patent or Petty Patent Rights in Laos

### 1. Recordal of patent holder's name/address change in Laos

In case the patent holder's name/address has been changed, it is possible to request DIP to record such change. To this end, a Statutory Statement which must be notarized is required. DIP shall record all changes in the database, document the registration and publish in the official gazette for the registration of industrial property.

### 2. Duplicate (re-issuance or re-grant) of the Patent or Petit Patent

The patent or petit patent owner can request DIP to issue a duplicate of their Patent or Petit Patent in two circumstances as follows:

- (i) When the patent owner needs a duplicate in legal proceedings in the court or the application for the patent or petty patent abroad;
- (ii) When the original patent/petit patent is damaged or lost, the owner can submit a request with DIP for a duplicate of such patent/petit patent and pay the service charges.

Further, DIP can also request the applicant of the dossier/document which has been damage or lost to send a copy of the relevant documents or records of correspondences with DIP as well as to verify the accuracy and completeness of such copies, including the documents or dossier related to correspondence with DIP that has not been recorded but of which the patent and petty patent registration applicant or a dossier owner is aware so that DIP will duplicate a dossier/document.

### 3. Patent cancellation in Laos

Grounds for cancelling validity of patents and petty patents in Laos:

- (i) The term of protection is expired;
- (ii) The patent/petit patent owner fails to renew his patent/petit patent and pay the applicable fees and service charges;
- (iii) The patent or petty patent is invalidated based on a finding that one or more requirements for protection have not been satisfied; where such finding applies to only a portion of the industrial property, the termination shall apply only to such portion as is invalidated. In such case, the invalidation shall be effective as from the grant of the patent, petty patent, or registration;
- (iv) Failure to the commercial exploitation, the industrial property rights will be terminated after the final decision by the competent court.

Special attention should be paid to the 4<sup>th</sup> ground of patent cancellation/invalidation. After registration, you should use your patent or petty patent in commercial activities in Laos. Otherwise, third parties can submit a cancellation request (*within 5 years of the publication date of the registration*) to terminate your patent or petty patent on the grounds that you have failed to exploit it commercially.

A patent and/or petit patent in Laos may be cancelled in two circumstances as follows:

**Proactive patent cancellation by DIP:** If DIP has considered that existing or provided information by a third-party evidence that the patent or petty patent information is false or misleading, conceals information or shows any actions that violate or contradict the law during the application review, if the information is confirmed, DIP shall undertake administrative cancellation of the patent or petit patent.

The DIP shall notify the applicant for a patent or utility patent, the assignee of a patent or utility patent, immediately about the cancellation procedure. If the applicant disagrees with the cancellation of DIP, the applicant can submit a request to the Committee of Final Consideration for final administrative consideration, or the applicant can submit a request to the Lao People's Court.

DIP will not provide any recommendations on the possibility that any application will be cancelled or on any other procedure and DIP will not give any legal advice to the applicant for reason or certain evidence to support the application.

**Patent cancellation at the request of a third party:** A third party can submit a request for cancellation or elimination with DIP within 05 (five) years from the date of publication in the official gazette on the registration of industrial property. Submitting the request for cancellation or elimination of the patent or petty patent shall follow the template of DIP and the service charges must be paid.

DIP shall notify the owner of a patent or petty patent when it has received the request for cancellation or demolition from the third party.

The owner of a patent or petty patent can submit clarification to DIP within sixty days from the date of notification of the DIP.

DIP shall issue a patent or petty patent cancellation or demolition certificate and shall notify the owner of the patent or petty patent. If the owner has no clarifications, it is considered that the owner consents to the cancellation or demolition of his/her patent or petty patent.

#### 4. How does a court in Laos involve in a patent cancellation?

After five years from the date of publication, the third party can submit a request for cancellation or demolition with the People's Court to proceed with the request.

DIP shall cancel or demolish the patent or petty patent if the third-party files a lawsuit with the Lao People's Court and the court makes a final judgment to cancel or demolish the patent or petty patent.

DIP shall notify the owner and the requesting person the cancellation or demolition certificate of the patent or petty patent.

**KENFOX IP & LAW OFFICE**, one of the professional IP service providers with the strongest and fastest growth in patent services, offers a comprehensive range of IP services in Vietnam, Laos, Cambodia, Myanmar, and other Asian nations. KENFOX entered the list of the top ten patent filing companies at IP Vietnam in 2019. In 2020 and 2021, KENFOX ranked among Vietnam's top 20 patent filing firms. KENFOX is proud to be consistently voted "Boutique Trademark Law Firm of the Year in Vietnam" by major international organizations in 2021-2022 by Global Law Experts and "Laos IP Firm of the Year for the 2021 Asia IP Awards" by Asia IP.

Contact KENFOX IP & Law Office immediately if you need a professional intellectual property services firm to assist you in developing your business in the proper direction.

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