

How can I file a cancellation action against an industrial design in Laos?

Entitlement: You or any third party has the right to submit a cancellation or elimination request of an industrial design registration within **05 (five)** years as of the registration date in the publication in an official gazette for an industrial property registration with DIP.

Grounds: Grounds for cancelling validity of industrial designs are provided in Article 45 of Lao IP Law as follows:

- (i) The term of protection is expired;
- (ii) The design owner fails to renew his design patent and pay the applicable fees and service charges;
- (iii) The design 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 design 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 4th ground of design cancellation/invalidation. After registration, you should use your industrial design 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 industrial design on the grounds that you have failed to exploit it commercially

Procedures to handle a design cancellation request in Laos:

- (i) DIP shall notify an industrial design owner when receiving the cancellation request from a third party.
- (ii) An industrial design owner is able to submit an explanation within 60 days from the issuance date of DIP's notification.
- (iii) DIP shall issue the cancellation or an elimination letter of such an industrial design and inform the industrial design owner where an industrial design owner has not provided any explanation, which will be considered that the industrial design owner has consented to such a cancellation of their industrial design registration.
- (iv) DIP shall cancel or eliminate the industrial design registration where a third party has filed a complaint with the Lao People's Court and that the Court's judgement has been passed to cancel or eliminate such an industrial design registration according to the provisions of Article 139 of Lao IP Law.
- (v) DIP shall notify the result of a cancellation of such to the industrial design owner or the petitioner/requester of the design cancellation.
- (vi) DIP shall make a record in the database and publicize such cancellation in the official gazette for an industrial property registration.

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