

How can I file an opposition to an industrial design application in Laos ?

Entitlement: Any third party is statutorily entitled to file a Notice of Opposition to a pending design application in Laos after such design application is published in the official gazette for registration of industrial property in Laos.

Deadline: A Notice of Opposition must be filed with DIP within 60 (sixty) days from the publication date on the official gazette for the registration of industrial property.

Required documents: The documents shall be completed according to the form template provided by DIP and service charge paid, and the request for opposition to a design application shall comprise the following documents:

- (i) A Notice of Opposition to a patent or petty patent application;
- (ii) Supporting documents and evidence clarifying the opposition;
- (iii) A notarized Power of Attorney, if a Notice of Opposition is filed through an IP agent.
- (iv) Payment receipt of service charges

Opposition handling processes: An opposition to an industrial design application shall be treated as a separate procedure which consists of various actions taken by DIP in a prescribed order, namely:

- Notifying the applicant of the opposition;
- Receiving the opponent's counter response together with relevant information/evidence within sixty (60) days from the date of the notification regarding the opposition request and then send the counter response to the third party/opposing party;
- Inviting the opposing party and/or applicant to clarify or to present evidence/additional information, if necessary;
- Examining the opposition based on evidence in hand;
- Notifying the applicant or the opponent of the examination result of the opposition along with the reasons.
- The rejection or continued consideration of the opposed application shall rely on the examination result of the opposition.

If the opponent or the opposed is not satisfied with the result of DIP's decision, either of them can request a final consideration through an administrative procedure to DIP in order to appoint a Committee of Final Consideration to issue a decision where such a request shall be submitted within 60 days since the date of a notification from DIP.

No matter how long the opposition procedure takes, the pending status of an application opposed by a third party shall drag out the examination process of the application. Therefore, the issue implies that the applicant had better conduct an availability search prior to registration for actively preparing a strategic plan to cope with the possible risks.

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