

Customs recordal for IPR protection in Laos – What you must know?

1. Overview

Customs recordal, also known as customs registration or customs watch or customs supervision, is a procedure that allows trademark owners to request customs authorities to monitor imports bearing infringing or counterfeit trademarks to be imported into a country. Customs recordal aims to prevent the entry of counterfeit goods into the market and protect the trademark owner's rights.

Customs recordal in Laos can be an effective tool for trademark owners to detect and prevent the importation of trademarked counterfeit goods. However, it is not explicitly provided under the Laos laws on whether infringing goods for export are subject to any penalties imposed by the Laos authorities or not.

By recording a registered trademark with the Laos Customs Department, the owner can provide customs officials with information about his registered trademarks, enabling them to identify and seize counterfeit goods that infringe on his trademark.

To record a trademark with the Laos Customs Department, the trademark owner must submit an application along with the required documents and fees. The application must contain information about the trademark, such as its owner, registration number, and a detailed description of the goods or services for which the trademark is used.

Once the application is approved, the trademark owner's information and details about the trademark are entered into the customs recordal system. This information is then used by the customs officials to identify potential trademark infringements at the border.

If infringing goods are identified by the customs officials, the trademark owner will be notified and given the opportunity to take legal action to prevent the importation of the goods. This provides an effective tool for trademark owners to protect their intellectual property rights in Laos.

The effectiveness of customs recordal in detecting counterfeits depends on several factors, such as the level of training and resources available to customs officials, the volume and complexity of goods passing through customs, and the cooperation between the customs authorities and trademark owners.

In Laos, the customs authorities have made efforts to improve their capacity to detect and prevent the importation of counterfeit goods. They have implemented various measures, such as training programs for customs officials, the establishment of special units to handle intellectual property rights enforcement, and the use of modern technologies and equipment to assist in the detection of counterfeit goods.

Despite these efforts, however, detecting counterfeits remains a challenge, as counterfeiters often use sophisticated methods to evade detection, such as false labeling or packaging, and hidden compartments in shipments. Therefore, while customs recordal is an important tool for trademark owners, it should be used in combination with other measures, such as monitoring online marketplaces, working with local law enforcement, and engaging in public awareness campaigns to educate consumers about the dangers of counterfeit goods.

2. What are required documents for customs recordal in Laos?

To request customs authorities to monitor imports bearing infringing or counterfeit trademarks in Laos, the following documents should be provided:

- (i) **Power of Attorney (PoA):** This document authorizes a representative to act on behalf of the trademark owner in customs matters. The PoA must be notarized by the notary public in the trademark owner's country.
- (ii) **Trademark Registration Certificate:** This document proves that the trademark owner has registered their trademark with the relevant authorities.
- (iii) **Evidence of Infringement:** This can include information about the infringing goods, such as product descriptions, photographs, and samples, as well as evidence of the infringing activities, such as shipping documents and invoices.

- (iv) **Description of the Genuine Products:** This document provides information about the genuine products, such as their appearance, packaging, and labeling, to help customs officers distinguish between genuine and counterfeit goods.
- (v) **Contact Information:** This includes the name, address, and contact information of the trademark owner or their representative, in case customs officers need to contact them for further information or to report any suspected infringing activities.
- (vi) **A list of authorized importers:** This includes a document indicating the name and address of the authorized importers. This can be very helpful for customs recordal. When customs officers have access to a list of authorized importers, they can quickly determine whether a particular shipment is legitimate or not. This can help customs officers identify and seize counterfeit goods that may be trying to enter the country.
- (vii) **A document demonstrating the differences between genuine products and counterfeits:** This can also be helpful for customs officers. These documents can provide valuable information that can help customs officers identify counterfeit goods that may be trying to enter the country.

For example, documents may show differences in packaging, labeling, or other markings that are present on genuine products but not on counterfeit ones. This can be valuable information for customs officers who are trying to identify counterfeit goods that may be trying to enter the country.

3. How is a customs recordal request examined in Laos?

In Laos, a customs recordal request is examined by the Laos Customs Department to determine whether the request meets the necessary requirements and if the trademark owner is entitled to record their trademark. The process typically involves the following steps:

- (i) **Submission of a customs recordal request:** The trademark owner submits a customs recordal application along with the required documents and fees to the Laos Customs Department.
- (ii) **Examination of the application:** The Customs Department examines the application to ensure that it meets the necessary requirements. This includes verifying that the application contains all the required information and that the documents are valid and authentic.
- (iii) **Notification of shortcomings:** If the customs officials find that the customs recordal request misses certain documents or the documents are deemed invalid, they may issue a Notice of Shortcomings to the trademark owner. The Notice outlines the specific issues with the application and provides a deadline for the trademark owner to submit the necessary corrections.
- (iv) **Approval of the application:** If all of the documents and information provided in the application are sufficient, the Customs Department will approve the customs recordal request and enter the trademark owner's information and details about the trademark into the customs recordal system.

Once the customs recordal request is approved and the trademark is recorded with the Customs Department, the trademark owner can use the system to request the seizure of any goods that infringe on their trademark. It is important to note that customs recordal is just one of the tools available for trademark protection in Laos. Trademark owners should also consider registering their trademarks with the Laos Intellectual Property Office (LIPO) to obtain full legal protection under the country's trademark laws.

4. What actions should a trademark owner take to increase customs protection of IPR in Laos?

Customs recordal can be an effective means of enforcing IP rights in Laos because it provides a legal framework for customs officials to take action against counterfeit products at the border. With recordal, companies can provide information about their IP rights to the customs authorities, including trademarks, patents, and copyrights. This information can help customs officials to recognize and detain infringing goods, which can prevent counterfeit products from entering the country.

However, customs recordal is not a foolproof method for enforcing IP rights by default. It requires vigilance and cooperation between the IP owner and the customs authorities to identify and stop infringing goods.

There are several actions that a trademark owner can take to increase the effectiveness of customs recordal in detecting and preventing the importation or exportation of counterfeit goods:

- (i) **Provide clear and detailed information:** Trademark owners should provide customs officials with clear and detailed information about their registered trademarks, such as images, descriptions, and samples of genuine products. This information can help customs officials to better identify counterfeit goods and distinguish them from genuine products.
- (ii) **Conduct training and awareness programs:** Trademark owners can work with the customs authorities to conduct training and awareness programs for customs officials on how to identify counterfeit goods. This can include training on the specific characteristics of the trademark, how to distinguish between genuine and counterfeit goods, and how to use available tools and technologies to detect counterfeits.
- (iii) **Monitor and communicate with customs officials:** Trademark owners should monitor the customs recordal system to ensure that their trademarks are being properly recorded and that customs officials are taking action against infringing goods. They should also maintain open communication with customs officials to provide them with additional information and support, as needed.
- (iv) **Work with local law enforcement:** Trademark owners can work with local law enforcement agencies to share information and coordinate enforcement efforts. This can help to identify the source of counterfeit goods and take legal action against infringers.
- (v) **Engage in public awareness campaigns:** Trademark owners can engage in public awareness campaigns to educate consumers about the dangers of counterfeit goods and promote the importance of trademark protection. This can help to reduce the demand for counterfeit products and increase public support for trademark enforcement efforts.

By taking these actions, trademark owners can increase the effectiveness of customs recordal in protecting their trademarks and preventing the importation or exportation of counterfeit goods.

5. Why should you register your trademark with customs authorities in Laos?

Customs recordal may serve as an effective mean for enforcing your IP rights in Laos, as it prevents and suppresses IP counterfeiting of your products at Laos' borders. Counterfeit goods not only harm the businesses that own the trademarks but also pose a threat to consumers' health and safety.

Customs officers are responsible for enforcing the laws and regulations related to imports and exports, including those related to intellectual property rights. By monitoring imports and detaining goods that infringe on trademark rights, customs officers can help protect the interests of trademark owners and prevent counterfeit goods from reaching the Laos market. Customs officers have the power to detain goods that infringe on trademark rights at the border, preventing them from entering the market. This action can significantly impact the operations of infringers, who rely on the ability to sell counterfeit goods to make a profit. By disrupting the supply chain of counterfeit goods, customs officers can help to deter future infringement and protect the rights of trademark owners.

Therefore, customs recordal or customs watch (customs supervision) should be viewed as a priority IPR enforcement strategy by IPR holders, given that customs authority in Laos is regarded as a gatekeeper in preventing trademarked counterfeits from penetrating into Laos.

Below are the benefits of customs recordal or customs watch (customs supervision) for a trademark owner in Laos:

- (i) **Fight against infringement:** Customs recordal helps to prevent the importation of infringing or counterfeit goods into Laos, which can protect the trademark owner's rights and prevent financial losses.
- (ii) **Deterrent Effect:** Customs recordal acts as a deterrent to potential infringers and counterfeiters, who may be less likely to attempt to import counterfeit goods when they know that customs authorities are monitoring imports.
- (iii) **Cost-Effective:** Customs recordal is a cost-effective way to protect trademarks against counterfeits and/or infringement. It allows trademark owners to use the resources of the customs authorities to monitor imports, rather than conducting their own investigations, which can be costly and time-consuming.
- (iv) **Expedited Action:** Customs authorities can take immediate action to detain infringing or counterfeit goods when they are identified, which can prevent the goods from being released into the market.

- (v) **Improved Brand Reputation:** Customs recordal can help to improve the reputation of a brand by ensuring that counterfeit goods are not sold in the market. This can help to maintain consumer trust and loyalty in the brand.

6. Could you please provide an application for customs recordal in Laos?

An application for customs recordal is made in the Lao language. Please access this link to download an English translation of the customs recordal application for your information.



Application for
customs recordal in

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