

Criminal Penalties Applicable To Trademark Infringement In Laos: What Are They?

Trademark infringement in Laos carries significant legal consequences, including a range of criminal penalties. In this article, KENFOX IP & Law Office provides a comprehensive overview of the penalties applicable to individuals and legal entities found guilty of trademark infringement under Lao law. We examine the types of penalties, their calculation, and the factors that influence their severity.

1. Overview of Penalties for Trademark Infringement in Laos [[Article 139 IP Law](#)]

Trademark infringement in Laos can lead to a variety of penalties, including punishment:

- (i) Education or warning: For minor or unintentional infringements.
- (ii) Disciplinary action: May apply to employees or members of professional organizations.
- (iii) Fines: A common penalty, calculated based on the damages caused.
- (iv) Civil compensation: Payment to the trademark owner to compensate for losses.
- (v) Criminal punishment: Including imprisonment and re-education, reserved for more serious cases.

2. Calculation of Fines [[Article 140 IP Law](#)]

Minimum and Maximum Fines: 1% to 5% of the value of the damages caused.

Factors Affecting the Fine Amount: Intentional vs unintentional infringement; Repeat offenses.

Determining the Value of Damages: The law does not explicitly define how this is calculated, but it may consider factors such as the infringer's profits, the value of the infringed goods, and other relevant circumstances.

3. Criminal Punishment

For criminal punishment, the 2019 Penal Code of Laos [[Article 246](#)] addresses IP offenses, including counterfeiting, trademark infringement, and unfair competition that results in harm to another person. Any person found in violation of Article 246 may face the following penalties:

- Imprisonment for a period of 01-03 years.
- Re-education without deprivation of liberty.
- A fine ranging from LAK 5,000,000 (approximately US\$565) to LAK 20,000,000 (approximately US\$2,260).

Therefore, the maximum penalty for criminal [trademark](#) infringement is 03 years of imprisonment and a fine of 20,000,000 kip.

4. Liability of Individuals and Legal Entities

Who can be held criminally liable for trademark infringement in Laos:

Any "person" can be held criminally liable for trademark infringement. The term "person" is defined in Article 3 of the Penal Code to include both natural persons and legal entities.

In addition, a legal person shall be liable for an offense if:

- The offence is committed on behalf of the legal person;
- The offence is committed in the interests of the legal person; or
- The offence is committed under the supervision, management and decision of the legal person.

The criminal liability of the legal person does not exclude criminal liability for the individual who committed the offence [[Article 89 of the Penal Code](#)].

Therefore, both individuals and legal entities can be held criminally liable for trademark infringement in Laos. This includes company directors and employees, as they are considered to be natural persons under the Penal Code.

Potential penalties for legal entities in Laos:

Under Article 90 of the 2019 Penal Code of Laos, the primary penalty for a legal entity is a fine. This fine is calculated at double the amount that would be imposed on a natural person for the same offense.

In addition to the fine, the court has the discretion to impose further sanctions on the legal entity. These may include dissolving the entity entirely, restricting its business operations, limiting its access to financial tools, confiscating assets, or requiring reparations to be paid.

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