

Trademark Enforcement in Laos: A Smart Strategy in a High-Risk Region

What are the options for a trademark owner if their trademark is illegally used in Laos - one of Southeast Asia's most challenging jurisdictions? This was the critical question facing Luk Fook Company, a leading international jewelry brand, when its trademark was found to be in unauthorized use at a storefront within the Golden Triangle Special Economic Zone, a region in Bokeo Province, Laos, known for its legal ambiguity and illicit activities.

Although enforcement in such jurisdictions may appear impractical or fraught with risk, Luk Fook Company's enforcement strategy demonstrates that targeted legal intervention, executed with precision and discretion, can yield meaningful results.

KENFOX IP & Law Office - recognized by *Asia IP* as the leading intellectual property firm in Laos—details the strategic approach undertaken to resolve this high-stakes infringement. Through discreet investigation, and non-litigious resolution methods, this case illustrates how trademark owners can assert their rights effectively, even in legally complex environments.

I. Discovery of Trademark Infringement: Unauthorized Use within the Golden Triangle Special Economic Zone

Luk Fook, an internationally recognized luxury jewelry brand, recently uncovered a significant instance of

misuse of the marks “六福” and “**LUKFOOK JEWELLERY**” in Laos. A jewelry retailer operating under the name “**Luk Fook Jewelry Store**” was found to be **openly** marketing jewelry products online, with operations based in the Golden Triangle Special Economic Zone (**GTSEZ**), located in Bokeo Province - a region widely known for its **illicit commerce, limited regulatory oversight, and [enforcement challenges](#)**.

The unauthorized use of Luk Fook's trademark was first identified through a publicly available video posted on the **Douyin platform** (TikTok's Chinese counterpart). The video, uploaded approximately three months prior to discovery, clearly depicts the storefront's signage and interior. Chinese characters identical to Luk Fook Company's [registered trademarks in Laos](#) are prominently displayed as part of the store's branding and visual presentation. [<https://www.douyin.com/search/金三角经济特区唐人街?type=general>]

Crucially, Luk Fook Company has never granted any **license, authorization, or commercial affiliation** to the entity operating this store. The use of the “Luk Fook” name and associated marks in this context is therefore unauthorized and constitutes a prima facie violation of trademark rights under [Laotian intellectual property law](#), specifically under provisions governing unauthorized use and likelihood of confusion.

II. Enforcement Complexities: Legal and Operational Barriers within the Golden Triangle SEZ

What made this case particularly complex was not only the infringement itself but also the **geographic and legal environment** in which it occurred. The **Golden Triangle Special Economic Zone (GTSEZ)** is known for **restricted access, vague commercial records, and high-risk operations**, often beyond the reach of conventional market regulation. The **absence of a verifiable street address**, combined with the lack of transparency surrounding the store's operations, **complicated any direct enforcement efforts** and demanded a carefully calibrated approach.

III. Client's Determined Action Request

Recognizing the potential harm to its brand and the need for immediate intervention, **Luk Fook Company instructed KENFOX IP & Law Office** to proceed with a **discreet yet effective on-ground investigation**. The client's objectives were clear and focused:

- **Locate the physical premises** of the infringing store within the Golden Triangle;
- **Identify and document the store's address**, including house number and street name, if available;
- **Photograph the house number plate** for evidentiary purposes;
- **Enter the premises (if safe)** and collect promotional or marketing materials (e.g., brochures);
- **Secure the store's contact details**, particularly a **phone number** linked to the operator.

IV. Onsite Investigation Results: Evidence Secured Through Strategic Covert Action

In response, **KENFOX** deployed a team of investigators with extensive experience in handling high-risk IP assignments. Operating with discretion and tactical awareness, the investigator reached the target location and entered the store posing as a prospective customer.

During the approach, the investigator engaged the store assistant in tactful conversation and successfully confirmed that the shop was **operated by a Chinese national**. This interaction, combined with the shop's layout and branding, **strengthened suspicions of intentional exploitation** of Luk Fook's commercial reputation.

As a result of the covert operation, the following **key pieces of evidence** were secured:

- **Photographs of the infringing signboards** - both interior and exterior - featuring Chinese characters **identical** to the Luk Fook trademarks;
- **Visual documentation of the store's layout and decorative elements**, which further reinforced the similarity and likelihood of consumer confusion;
- The **store owner's telephone number**, obtained from the staff, which provided a critical line of communication for subsequent legal action.

All findings were **preserved and compiled as evidence**, forming a solid foundation for the next enforcement phase. This step was vital in building a credible claim and increasing leverage in seeking voluntary compliance or further legal remedies.

Infringing signs inside and outside Luk Fook Jewelry Store in the Golden Triangle Special Economic Zone (GTSEZ):





V. IPR Enforcement Measures in Laos

When confronted with trademark infringement in Laos, rights holders must carefully evaluate the enforcement landscape, which is still developing and often complicated by limited institutional experience. In practice, three principal options are available: **(i) administrative enforcement through state agencies, (ii) issuance of a cease-and-desist (C&D) letter, and (iii) civil litigation before the courts.** Each route has its own advantages, limitations, and practical considerations.

1. Administrative Enforcement Measures

Administrative action remains the most **practical and widely used enforcement tool** in Laos, coordinated primarily by the **Department of Intellectual Property (DIP)**.

(i) DIP-initiated action (infringer specified):

In this approach, the DIP formally identifies the infringing party and issues a direct warning, requiring the infringer to **cease all infringing acts within 15–30 days**. While this mechanism provides a clear record against the infringer, it carries inherent risks: many infringers temporarily remove infringing goods, only to resume business later under slightly altered marks, or even attempt to register deceptively similar trademarks.

(ii) Provincial-level administrative action (infringer not specified):

Alternatively, the DIP may instruct the **provincial Department of Science and Technology (DST)** to issue general notices targeting all shops and markets in the province. Enforcement then takes the form of **broad raids**, often involving warnings and occasional seizures. This method is less precise, as it does not name or single out the actual infringer.

If the complaint is substantiated, the DIP may coordinate with the **Economic Police, Customs, Ministry of Industry and Commerce**, and other agencies to conduct a raid. Counterfeit goods are typically **seized and destroyed** during the first raid. Repeat offenders may face escalation to **criminal prosecution**, exposing them to fines and imprisonment.

Procedural framework:

- Submission of evidence and complaint to DIP;
- DIP conducts preliminary investigation;
- If verified, the **Prime Minister's Office** may authorize the creation of an **Enforcement Committee**;
- The Committee issues official orders requiring cessation [of infringing acts](#);
- Periodic inspections and confiscations are carried out.

2. Cease-and-Desist Letter (C&D Letter)

A Cease-and-Desist Letter is often the most efficient and cost-effective first step. It serves several key purposes:

- Puts the infringer on formal notice of the trademark owner's rights;
- Details the unlawful conduct and its inconsistency with Laotian IP law;
- Demands immediate cessation of the infringing activities;
- Signals readiness to escalate the matter to administrative or judicial authorities.

This strategy often deters **small-scale or unsophisticated infringers**, and also creates an evidentiary record that can be relied upon should formal proceedings become necessary.

3. Civil Litigation Before the Courts

Trademark owners may pursue a civil action for infringement before the **People's Court of Laos**, specifically through the **Commercial Chamber** of the **Provincial or Capital People's Court**. However, Laos lacks a **specialized IP court**, and both judicial and enforcement authorities often have **limited experience in trademark matters**. Coupled with scarce IP case law, this makes litigation **costly, time-consuming, and unpredictable**. As such, civil litigation is **generally not recommended** as a first-line enforcement tool in Laos, especially in high-risk zones like the Golden Triangle.

VI. Client's Determined Actions and Resolution

Following the initial on-site investigation, KENFOX's field investigator successfully obtained the **WeChat contact of the shop owner** during discreet communication with the store assistant. Building upon this, we crafted a **strategic enforcement approach** designed to maximize deterrence without engaging in lengthy administrative or judicial processes.

A **strongly worded Cease-and-Desist Letter** was drafted, presenting a detailed legal analysis of the infringing acts, supported by references to the client's trademark rights in Laos and the potential **legal consequences** should enforcement authorities be engaged. The letter explicitly warned of possible administrative raids, seizure of infringing goods, and escalation to civil or criminal proceedings.

To ensure clarity and maximum legal effect, the Cease-and-Desist Letter was prepared in **three languages - Lao, English, and Chinese** - accompanied by **color printouts of all infringement evidence**, including photographs of the [infringing signs](#) used inside and outside the store.

The complete package was **delivered simultaneously** via three channels:

- **Electronically** to the infringer's WeChat account;
- **Physically** to the store located in the Golden Triangle Special Economic Zone; and
- **Directly to staff members** at the shop to ensure notice was received.

VII. Voluntary Termination of Trademark Infringement

One week later, a follow-up inspection revealed full **voluntary compliance**. The infringer had removed:

- All **exterior and interior signboards**;
- Infringing **branding on walls**;
- Trademark references on **stalls inside the store**.

In an interesting development of the case, after voluntary removal of the infringing trademark, the shop owner approached KENFOX to propose a business partnership with Luk Fook Company. However, Luk Fook Company refused this business partnership proposal, stating that they did not have intentions of developing business in the **Golden Triangle Special Economic Zone (GTSEZ)**.

This voluntary rectification, achieved **without the need for escalation to Lao enforcement authorities**, was viewed as a **highly satisfactory outcome** by the client. By achieving this result **without invoking Lao enforcement authorities**, the client obtained a highly effective resolution: **its IP rights were protected, infringement was eliminated, and costs and risks were minimized**. It effectively protected the client's intellectual property rights while **minimizing enforcement costs, avoiding procedural delays, and mitigating exposure to the risks inherent in enforcement within high-risk zones** such as the Golden Triangle.

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