

Cancellation of Bad-Faith Trademark Registration in Laos: The *PINDUODUO* Case

Many jurisdictions in Southeast Asia operate on a [first-to-file](#) basis for trademark protection. In Laos, the party who first files a trademark application generally secures priority regardless of whether it has used the mark. This rule creates a vulnerability when opportunistic registrants obtain local registrations for internationally known brands before the actual owners enter the market.

However, a recent landmark decision by the Lao Department of Intellectual Property (DIP) highlights that the first-to-file rule is not an absolute shield for opportunism. Represented by **KENFOX (LAO) IP Service CO., LTD**, the true owner of the global e-commerce giant - **Shanghai Xunmeng Information Technology Co., Ltd.** - successfully secured the cancellation of a pirated trademark registration for "**PIN DUO DUO (and Device)**", sending a strong signal that Laos actively enforces international standards against [bad-faith](#) registrations.

Background

The case concerned the following trademark registration in Laos:



Trademark:

Registration No.: 53071 granted on 9 March 2022

Application No.: 46059 filed on 19 July 2021


Class: 35, 42

Applicant: LI GAIXIANG
Xinjiang Province, China

The global e-commerce company **Shanghai Xunmeng Information Technology Co., Ltd.**-operator of the *Pinduoduo* platform - considered that the Lao registration had been filed without authorization and reproduced [distinctive elements](#) of its mark. The registration therefore posed a potential obstacle to the company's trademark protection and business interests in Laos and the broader Southeast Asian region.

Evidence and Arguments

To obtain cancellation, the applicant had to demonstrate that the contested mark was not a legitimate,

independent creation but rather an intentional reproduction of a well-known brand (). The evidentiary submissions reportedly focused on principal points:

- First, Shanghai Xunmeng had prior rights and legitimate interests in the PIN DUO DUO mark. Evidence of prior registrations, prior use, commercial activities, public recognition, and brand exposure was relied upon to show that the mark was associated with Shanghai Xunmeng before the filing of the contested Lao registration.
- Second, the contested mark reproduced the essential visual elements of Shanghai Xunmeng's mark. The similarity was not limited to a shared word element. The contested registration incorporated identical or substantially identical characters, layout, device elements, and overall presentation. This degree of copying supported the argument that the registration was not coincidental.
- Third, the use or registration of the contested mark was [likely to mislead](#) consumers or create false association. Given the identity or substantial identity between the marks, consumers could reasonably assume that the registrant was commercially connected with, authorized by, or otherwise affiliated with Shanghai Xunmeng.

- Fourth, the circumstances of the filing supported an inference of bad faith. The absence of authorization, combined with the reproduction of distinctive elements of the applicant's mark, provided grounds for concluding that the contested registration had been filed to appropriate goodwill belonging to another party.

Shanghai Xunmeng argued that copying the exact visual identity could only be explained by an intention to exploit the existing goodwill of the *PINDUODUO* brand. Such conduct constitutes bad-faith filing and undermines consumer protection.

DIP Decision and Reasoning

On **6 March 2026**, the Lao DIP issued **Decision No. 579/DIP**, upholding [the cancellation request](#). The decision concluded that:

- The applicant had provided sufficient evidence of the fame of the *PINDUODUO* mark and of its prior rights.
- The contested mark contained characters, layout and designs identical to the applicant's mark, leading to unavoidable public confusion.
- Filing such a mark constituted bad faith under Articles 23 and 44 of the IP Law, warranting cancellation of the registration.

By invalidating the registration, the DIP affirmed that first-to-file priority does not protect a registrant who deliberately copies a well-known mark.

Implications for International Brand Owners

1. **Early filing remains the best preventive strategy.** Because Laos is a first-to-file jurisdiction, brand owners should [file applications](#) promptly to avoid being pre-empted by bad-faith registrants. Although cancellation proceedings are available, they require evidence, time, and cost. The most effective strategy remains early trademark filing in Laos, particularly before product launch, distributor engagement, franchise negotiations, marketing campaigns, or expansion into the local market.
2. **Substantial identity may support a finding of [bad faith](#).** Where the contested mark reproduces not only the word element but also the device, layout, stylization, and overall commercial impression of another party's mark, such copying may serve as strong evidence of bad faith. In such cases, the issue is not merely whether the marks are similar, but whether the contested registration appears to have been derived from the legitimate owner's mark. This case, along with earlier decisions such as the **Siam Kubota** cancellation, illustrates that the DIP will consider evidence of bad faith and consumer confusion when evaluating petitions.
3. **Evidence of reputation and prior recognition remains important.** Foreign brand owners should not assume that international reputation alone will automatically defeat a local registration. However, evidence of prior registrations, commercial use, online presence, advertising, media exposure, consumer recognition, and business expansion can be highly relevant in establishing that the registrant knew or should have known of the earlier mark.
4. **Bad-faith filings can be overturned.** The Lao IP Law expressly permits cancellation of marks obtained in bad faith.
5. **[Non-use](#) can be a separate ground.** Registered marks that are not used in Laos for five years may also be cancelled for non-use. Monitoring local registrations and acting quickly can help prevent squatters from blocking market entry.

Conclusion

The cancellation of Trademark Registration Certificate No. 53071 for "PIN DUO DUO" and device demonstrates the Lao DIP's willingness to address bad-faith trademark registrations where the evidence supports a finding of copying and likelihood of confusion.

The decision also reinforces an important principle: while Laos gives significant weight to trademark registration, the first-to-file system does not protect registrations obtained through misappropriation of another party's mark or goodwill.

For international brand owners, the case provides both a warning and a practical lesson. Early filing remains essential, but where a bad-faith registration has already been secured by an unrelated party, a carefully prepared cancellation action supported by persuasive evidence can still provide an effective remedy.