

Laos

“Given ASEAN countries’ diverse development levels, IP rules and protection can vary. IP considerations must adapt to each legal system”

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Q1: From your experience, what are the main IP risks or obstacles in Laos that EU SMEs should be aware of?

- **Parallel Import:** Lao authorities currently adopt a tolerant approach, generally allowing parallel imports to promote competition and lower consumer prices. However, exceptions exist for regulated goods (e.g., pharmaceuticals, cars), where importation is restricted to authorised channels.
- **Handling Technical IP Issues:** Trademark disputes are now relatively familiar to Lao authorities, but other IP disputes (e.g., patents) may take longer to resolve, as officials need time to address the technical complexities involved.
- **Uneven IP Expertise Across State Agencies:** The Lao Department of Intellectual Property (DIP) is increasingly responsive and proactive, but other agencies involved in IP disputes (police for investigations, prosecutors for criminal cases, and courts for civil or criminal matters) may lack IP familiarity. This can cause delays, uncertain outcomes, or cases exceeding statutory timeframes. When filing a matter, SMEs should present the issues as comprehensively as possible.
- **Administrative Remedies (raids):** Remedies such as raids, to seize counterfeits, can be effective. But without clear nationwide rules, procedures, and timelines vary by province. Many provinces follow precedents set by Vientiane or the central level, though some diverge.
- **Low Public Awareness:** Awareness of IP rules is limited among the public; many are unfamiliar with the laws and sanctions in place, which makes infringement common in practice.

**Q2: What are your top practical tips
or advice for European SMEs
regarding IP protection in Laos?**

- **Early Trademark Filing and Prevention of Misappropriation:** Laos is a first-to-file country, granting exclusive rights for 10 years (renewable) to the first applicant. European SMEs should register trademarks early, ideally before market entry, to prevent third-party filings. Also, to avoid trademark misappropriation, agreements (e.g., distribution/franchise agreements) should clearly prevent local partners from registering European SMEs' trademarks (identical or similar) under their own name in Laos.
- **Obtaining an Opinion from the DIP:** IP owners can request a written opinion from the Department of Intellectual Property on whether an observed activity (e.g. use of a similar or identical trademark) constitutes infringement. This requires submitting evidence and, where relevant, proof of registration in Laos, with an official fee. Such opinions can also support cease and desist letters or later action before the Lao authorities.
- **Notarisation and Registration of Contracts:** Lao law requires (i) notarisation with the Notary Public Department (Ministry of Justice) and (ii) registration with the State Assets Management Department (Ministry of Finance) for full legal effect of contracts (e.g., licence and franchise agreements). These steps are often skipped in practice, but following them is recommended to avoid legal uncertainty, especially for key IP contracts, if a dispute arises.
- **Notification of IP Agreements:** Where required, agreements authorising the use of IP (e.g., authorisation to use a trademark in a license agreement) must also be notified to the DIP via a short-form agreement.
- **Patent Filing Options:** Patent applications can take a long time due to technical complexity. European SMEs may wish to shorten the process by opting for the EU patent validation scheme, rather than filing directly with the DIP in Laos.

Q3: Is there something SMEs often misunderstand or overlook when it comes to IP protection in Laos?

Many SMEs mistakenly believe that registration abroad, or within ASEAN, secures rights in Laos, but this is not the case. Save for a few exceptions (e.g., well-known marks, copyright, and trade secrets), without valid proof of registration certificate from the DIP, or at least proof of filing, authorities are unlikely to act against infringement, and courts may dismiss cases.

Another common misunderstanding relates to customs recordal. IP owners often assume that once their IP is recorded with the Customs Department, officers will proactively inspect shipments. In practice, successful interceptions depend on the IP owner's ongoing monitoring and provision of detailed, case-specific information to the Customs Department (e.g., shipment reference, checkpoint, expected arrival date). Customs are unlikely to inspect a shipment on their own, unless there is a strong suspicion.

Finally, when filing a criminal complaint, pursuing court action, or seeking administrative remedies, it should not be assumed that the authority in charge is familiar with the IP dispute, has specialised IP expertise, or significant prior experience. This is particularly the case for agencies other than the DIP (e.g., police, prosecutors, courts). For this reason, a step-by-step approach in presenting the facts, evidence, and legal grounds is essential, so that the infringement is made as clear as possible. Where possible, IP owners may also consider using administrative remedies or mediation through the Lao DIP. This can increase the likelihood that the matter is reviewed by officials more familiar with IP before turning to courts, where the process is often lengthy.