**Trademark Examination Process in Laos**

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**Understanding the Trademark Examination Process in Laos**

The Lao People's Democratic Republic (Lao PDR) offers a legal framework for protecting trademarks through registration. A registered trademark grants the owner exclusive rights to use the mark for specific goods or services, preventing others from using a similar mark that could cause confusion among consumers.

KENFOX IP & Law Office provides a comprehensive overview of the trademark examination process in Laos, guiding businesses and individuals through the key stages involved in securing trademark protection.

**1. Preliminary examination**

The first step in the trademark registration process is the preliminary examination conducted by the Department of Intellectual Property (**DIP**). The DIP assesses the application form for completeness and compliance with the requirements outlined in Articles 5, 7, 8, 9, and 10 of the [Agreement on Trademarks](https://kenfoxlaw.com/wp-content/uploads/2024/07/Agreement-On-Trademarks-in-Laos-English.pdf) (**the Agreement**). This examination typically takes 60 days from the date the DIP receives a complete application.

The DIP conducts the preliminary examination for a trademark application based on the relevant articles as follows:

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| --- | --- | --- |
| **Article** | **Focus Area** | **Details** |
| Article 5 | Types of Trademarks | Verifies that the trademark application falls within the categories of trademarks for goods, services, certification marks, or collective marks. |
| Article 7 | Application for Trademark Registration | Checks inclusion of required documents: application form, power of attorney (if applicable), representation of the trademark, specification of goods/services, priority date documents (if any), and payment receipts. |
| Article 8 | Procedures for Filing Trademark Registration Applications | Ensures correct filing procedures: application filed at the appropriate location (Department of Industry and Trade or electronically), issuance of receipts, and forwarding of application to the DIP. |
| Article 9 | Minimum Requirements for Obtaining a Filing Date | Confirms completeness of application form, inclusion of power of attorney, clear representation of trademark, specification of class and items of goods/services, priority date documents (if any), and payment receipts. |
| Article 10 | Requirements for Trademark Specimens | Examines trademark specimens for correct format (electronic or high-quality hard copy), clarity, specification of fonts, color codes, descriptions, pronunciations, and representations of three-dimensional or motion marks. |

If the application fails to meet the requirements, the DIP notifies the applicant. The applicant has 12 working days to rectify the issues and resubmit the application. Failure to comply within the timeframe results in the application being deemed forfeited.

**2. Publication and opposition**

Upon successful completion of the preliminary examination, the DIP publishes the trademark application in the Official Journal of Intellectual Property. This publication serves two purposes:

**[i] Informs the public:** It allows third parties to be aware of pending trademark applications and potentially raise objections.

**[ii] Establishes priority:** The publication date serves as the priority date for the application, which becomes crucial if multiple applications for similar marks are filed around the same time.

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Any third party can file an [opposition](https://kenfoxlaw.com/how-can-one-file-a-trademark-opposition-in-laos) to the application within 60 days of publication. The opposition must be submitted using the prescribed form and accompanied by the relevant fees.

**3. Substantive examination**

Following the publication period, the DIP conducts a substantive examination to determine whether the applied-for mark meets the criteria for registration as outlined in Article 12 of the Agreement. This examination involves a thorough review of the mark using the DIP's Intellectual Property Information System (IPAS) and the international WIPO GLOBAL BRAND database.

The DIP may issue a preliminary [refusal](https://kenfoxlaw.com/how-is-a-trademark-application-refused-registration-in-laos) notice if the mark fails to meet the registration requirements. This notice details the reasons for refusal and provides the applicant with an opportunity to respond. The applicant has 60 days to submit documents, explanations, or objections to the DIP in an attempt to overcome the refusal. An extension of 30 days may be granted upon written justification.

The substantive examination must be completed within 90 days from the expiration of the publication period if no opposition is filed.

**4. Special considerations**

The trademark examination process in Laos considers several special circumstances:

* **Well-known marks and geographical indications:** Applications for marks identical or similar to well-known marks or registered geographical indications require an earlier priority date than the well-known mark or geographical indication to be considered for registration.

[*Article 14: Principles for Examining Trademark Registration Applications: In the case where a trademark registration application is for a mark that is identical or similar to a well-known mark or a geographical indication, the application shall be considered but must have an earlier priority date than the well-known mark or geographical indication that has been registered in the Lao PDR or any other country*].

* **Multiple applications for similar marks:** If multiple applications for similar marks are filed during the same period, the application with the earliest filing date takes precedence

[*Article 14: Principles for Examining Trademark Registration Applications: In the case of multiple trademark registration applications filed during the same period for the same or similar marks for the same or similar goods, the application with the earlier priority date shall be considered first*].

* **Disclaimer of exclusive rights:** The DIP may require an applicant to disclaim exclusive rights to elements of the mark that are generic or [descriptive](https://kenfoxlaw.com/avoiding-descriptiveness-refusal-in-laos-key-considerations-for-trademark-owners), such as common words or symbols.

[*Article 18: Disclaimer of Exclusive Right in Elements of a Mark: The Department of Intellectual Property shall not allow exclusive rights to any element or word of a mark such as descriptions or general terms indications of quality characteristics of goods or services and shall preliminarily notify the trademark applicant of the refusal*].

* **Division of applications:** An application can be divided into multiple applications before registration, allowing the applicant to pursue registration for specific elements of the original mark.

[*Article 19: Division of Applications: A trademark application may be divided into two or more applications but only before registration abandonment refusal or other final disposition of the application*].

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