



# **Effective Utilization of Search Results and Communications Derived from the Patent Cooperation Treaty (PCT) System in National Stage**

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**Department of Intellectual Property**

**Ministry of Science and Technology**

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# Introduction

In today's competitive environment of free trade and globalization, the protection of IP as well as patent has become an increasingly important international issue.

The emergence of a new global economy propelled by rapid technological advance and worldwide information communication technology has placed patent in the mainstream of the national development policy in many countries.

So, that's why patent protection is considered to be one important element of the Lao Government policy.

# Background

- Since 1993, the Department of Intellectual Property under the Ministry of Science and Technology (MOST) was in charge of Intellectual Property matters in Lao PDR.
- Member of the World Intellectual Property Organization (WIPO) in 1995.
- Joined the Association of Southeast Asian Nations (ASEAN) and ASEAN Working Group on IP Cooperation (AWGIPC) in 1997.
- Joined Paris Convention for the Protection of Industrial Property in 1998.
- **Joined Patent Cooperation Treaty (PCT) in 2006.**
- The 158<sup>th</sup> member of the World Trade Organization (WTO) 2012.

# Patent Legislation

- Law on Intellectual Property No. 08/NA dated December 24<sup>th</sup>, 2007. Amended No. 01/NA dated December 20<sup>th</sup>, 2011. (Article 13, 21, 26, 30, 31, 48, 55, 63)
- Regulation the Implementation of Patent and Petty Patent No. 0752/MOST dated September 20<sup>th</sup>, 2012.

# Patent Administration

Lao PDR has established a single authority to administrate the protection of IP which is the Department of Intellectual Property, Standardization and Metrology (DISM), now changed to Department of Intellectual Property (DIP) of National Authority Science and Technology (NAST) under the Prime Minister's Office (Now upgraded from NAST to MOST-Ministry of Science and Technology)

The patent administration is in charge by the Patent Division of the Department of Intellectual Property

Since 2004, 240 patent applications (up to 25 Feb 2013) has been receiving and filed in Lao PDR.

08 local applications

232 foreign applications

And since 2006, after joining PCT we have been receiving 102 PCT applications.

There are any patent has been granted in Lao PDR right now, but we are preparing to granting more than 10 patents in the near future.

# Patent Registration in Lao PDR

- The Patent Division is doing only a formality examination.
- We are not doing substantive examination but recognize and accept a search and examination report from other IP Office around the world.

For an application filed by a local applicant, the Patent Division will make a formality examination. Where the result of the formality examination is positive, the Patent Division will request WIPO to arrange for a search of relevant of prior art. The Patent Division will consider the result of any search.



A local applicant can also use their application as the basis of an application in another country so as to get a search report on their claims in order to meet the requirements of patent decree and regulation. The applicant may be able to use a granted patent in a prescribed country as the basis of a patent in the Lao PDR.

For an application filed by foreign applicant, the Patent Division will make a formality examination and then ask a foreign applicant to provide information about foreign equivalent applications.

The foreign applicant can be able to use searches done on these foreign equivalent applications and any patents granted in prescribed countries as the basis of a patent in Lao PDR.

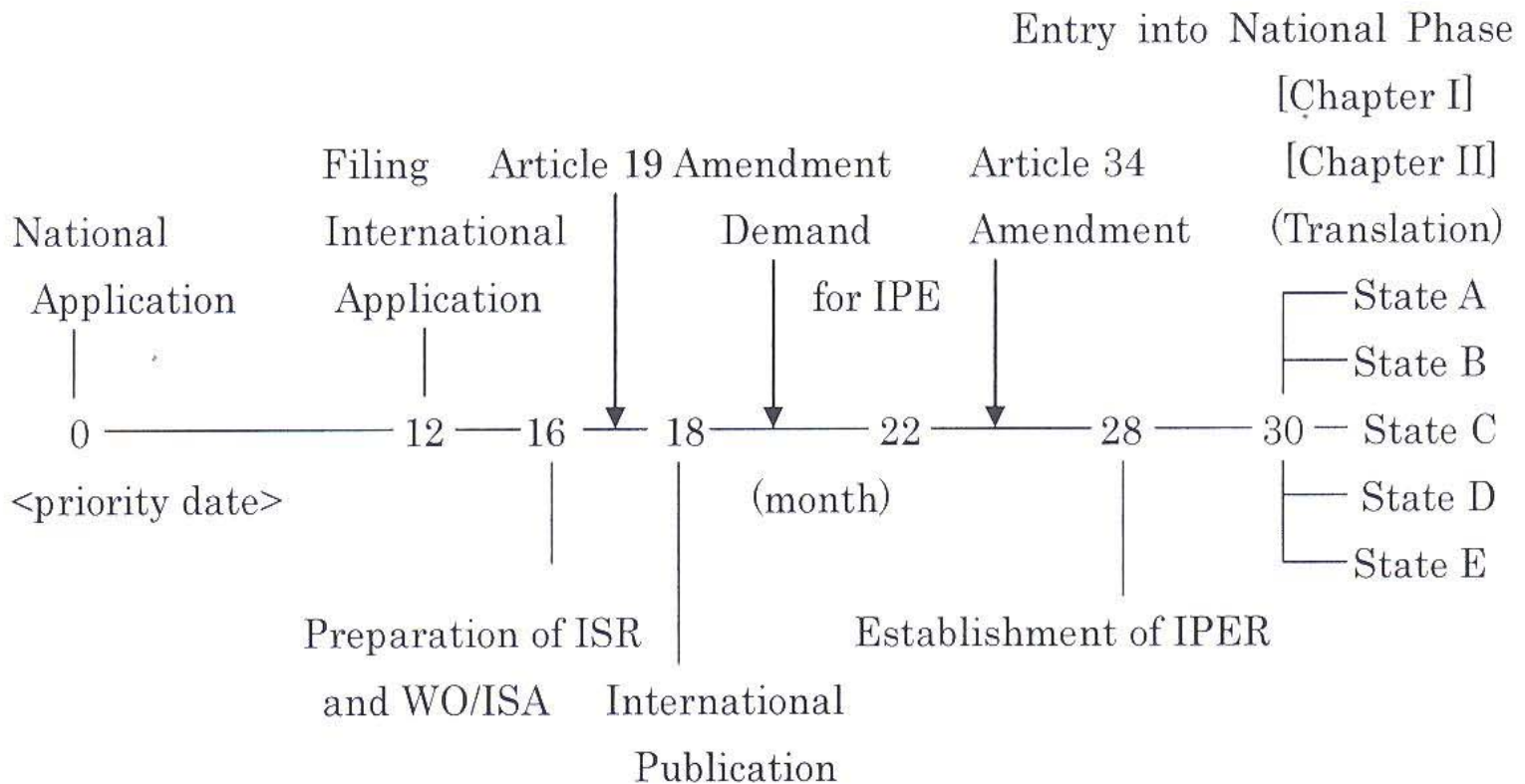
## Some website for searching

- <http://www.espacenet.com>
- <http://www.uspto.gov.patft>
- <http://www.ipdl.inpit.go.jp>
- <http://www.google.com/patents>

# PCT Process

< Flow of Procedure of PCT System >

Following the flow shows a case where an international application is filed under the PCT claiming a priority based on the national patent application within 12 months from the filing date of that patent application.



# Challenges & issues

Lao Government through MOST and other Ministries concerned has a great intention to strengthen IP system, but we have to challenge some issues:

- Lack of Financial Resource.
- Lack of human Resource.
- Computerizing (need high performance computer and high speed internet for searching).
- Less knowledge on legal framework.
- Limited Public Awareness.

# Future Direction

Recognizing the significant role that the patent system plays in the development of the country and advantages to be derived by the Lao PDR from the patent protection, we are committed to modernizing and strengthening our system in line with international trends.

- Developing a National Intellectual Property Policy
- Strengthening the capacity of patent system by the aim to be able to use patent information for social-economic development
- Promoting the use of Patent Information by Businesses Enterprises and Research and Development Institutions
- Upgrading the Office Computerizing
- Human resource development in the field of patent
- Acceding to other Conventions and Protocols
- International Cooperation and etc.

# Conclusion

So, one of our priority task is to develop Lao IP system because we wish to speed up our Economic, Scientific and Technical development. Lao PDR hopefully requires more assistance from Developed and Developing Countries and International Organization so as *to identify how to work* with these above future plans.

**THANK YOU  
for attention!**



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