

## Lao People's Democratic Republic

### Copyright law

#### Extracts of articles relating to Economic Rights and Acts Consistent with Fair Use

In 2017, a new Law on Intellectual Property of the Lao People's Democratic Republic was adopted (taking effect on 8th June 2018). The 2017 law replaced the previous law adopted in 2011.

The 2017 law is available in Lao on WIPO Lex<sup>1</sup>, and the 2011 law is available in Lao and English<sup>2</sup>. Since the two provisions cited in EIFL's Review and Recommendations for the 2017 law did not change substantively, for quick reference these are the provisions in English from the 2011 law<sup>3</sup>.

The provisions concerned are Article 102 Economic Rights and Article 115 Acts Consistent with Fair Use (2017). In the 2011 law, Economic Rights was numbered as Article 98, and Acts Consistent with Fair Use was Article 111.

*1 March 2019*

#### Law No. 01/NA of December 20, 2011, on Intellectual Property

##### Part 4 Copyright Owners

##### Article 98 (new). Economic Rights

The author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize the following acts in relation to his or her works:

1. making a collection of such works;
2. reproducing such work in any manner or form including distribution of copies of such works;
3. making the translation of such works;
4. broadcasting such works;
5. communicating such works to the public by any wire or wireless diffusion or by rebroadcasting;
6. communicating the broadcast of the work to the public by loudspeaker or any other analogous instrument transmitting, by signs, sounds or images.

In the absence of any contrary stipulation, permission granted in accordance with item 4 of this Article shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast.

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<sup>1</sup> Lao People's Democratic Republic on the Promulgation of the Law on Intellectual Property (Amended) No. 322/P, 25 December 2017, <https://wipolex.wipo.int/en/legislation/details/18024>

<sup>2</sup> Law No. 01/NA of December 20, 2011, on Intellectual Property, <https://wipolex.wipo.int/en/legislation/details/13482>

<sup>3</sup> WIPO Lex <https://wipolex.wipo.int/en/text/310926>

For literary works, the author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize the following acts in relation to his or her works:

1. recitating their works to the public by any means or process;
2. communicating to the public of the recitation of their works.
3. translating the recitation of their works.

For dramatic, dramatico-musical and musical works, the author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize the following acts in relation to his or her works:

1. performing their works to the public, including such public performance by any means or process;
2. communicating to the public of the performance of their works.
3. translating such performance of works.

The author or other copyright owner shall have the exclusive right to carry out or authorize the adaptation, arrangement, or other alteration of their works as follows:

1. making cinematographic adaptation and reproduction of literary or artistic works, and the distribution of the works thus adapted or reproduced;
2. making the public performance and communication to the public by wire or otherwise of the works thus adapted or reproduced.

The author or other copyright owner shall have the exclusive right to carry out or authorize or prohibit:

1. the direct or indirect reproduction, in whole or in part, of a sound recording, computer programs or compilation of data or other materials;
2. the importation into the Lao PDR of copies of a sound recording, regardless of whether such copies have been placed on the market by the relevant right holder;
3. the first public distribution of the original and each copy of the sound recording by sale, rental or otherwise;
4. the rental, lease or lending of the original or a copy of an audiovisual work, a sound recording, or a musical work in the form of notation, for the purposes of direct or indirect commercial advantage.
5. for a computer program or a data base, the rights provided in item 4 of this paragraph except where the copy of a computer program is not itself an essential object of the rental. Putting the original or a copy of a computer program on the market with the right holder's consent shall not exhaust the rental right.

The author or other copyright owner shall have the exclusive right to carry out or authorize the importation or exportation of the original or any copy of the work. This right shall not extend to prevent the subsequent importation or exportation of an original or copy that was legally acquired with the authorization of the owner of copyright or related rights.

The author or other copyright owner of literary or artistic works shall have the exclusive right to carry out or authorize:

1. the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced;

2. the public performance and communication to the public by wire or wireless of the works thus adapted or reproduced.

The adaptation into any other artistic form of a cinematographic production derived from literary or artistic works shall, without prejudice to the authorization of the author of the cinematographic production, remain subject to the authorization of the authors of the original works.

The author or other copyright owner of literary, dramatic, dramatico-musical works, musical works, choreographic works, pantomimes, and motion pictures and other audiovisual works, including the individual images of a motion picture or other audiovisual work shall have the exclusive right to authorize:

1. the public performance of their works, including such public performance by any means or process; and in particular, in the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission;
2. any communication to the public of the performance of their works;
3. translations of the performance of their works.

## **Part 7**

### **Limitations and Obligations of Copyright and Related Rights**

#### **Article 111 (new). Acts Consistent with Fair Use**

The following acts shall be permissible without consent of the author, and without remuneration:

1. making quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair use, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries;
2. utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice;
3. reproducing, by photography or cinematography, images of works of fine art, photographs, and other artistic works, and works of applied art, provided such works have already been published, publicly displayed, or communicated to the public, where such reproduction is incidental to the photographic or cinematographic work and is not the object of the photographic or cinematographic work;
4. Translating literary works into Braille or other characters for visually-impaired persons;
5. Reproducing a computer program where such reproduction occurs in the ordinary operation of the computer program, providing the use of the computer program is consistent with terms of authorization of the copyright owner;
6. Reproducing a work embodied in electronic media for backup or archival storage, or for replacement of a legally acquired work that is lost, destroyed or fails to work.

Where use is made of works in accordance with items 1.1 and 1.2 of this Article, mention shall be made of the source and of the name of the author if it appears thereon.

The following acts shall be permissible without consent of the author, and without remuneration, provided such acts are consistent with fair use, provided the source is clearly indicated:

1. Reproduction by the press, the broadcasting or the communication to the public by wire of articles published in newspapers or periodicals on current economic, political or religious topics;
2. Broadcast of works of the same character, in cases in which the reproduction, broadcasting or such communication thereof is not expressly reserved.

For the purpose of reporting current events by means of photography, cinematography, broadcasting or communication to the public by wire, literary or artistic works seen or heard in the course of the event may, to the extent justified by the informatory purpose, be reproduced and made available to the public.

The above acts shall not conflict with a normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author.

A determination of whether a use as above constitutes a fair use shall take into account the circumstances as a whole as further described in a specific regulation.

The provisions of this article will not apply to:

1. reproduction of architectural works, including by construction of the work;
2. reproduction that requires circumvention of technological measures to protect copyright or related rights, or the unauthorized removal or alteration of electronic rights management information.