

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

2006 SPECIAL 301

SPECIAL MENTION

LAOS (LAO PEOPLE'S DEMOCRATIC REPUBLIC)

Actions to be Taken in 2006: IIPA urges the Government of Laos to 1) implement the Agreement on Trade Relations by passage of a modern copyright statute; and 2) enact or issue regulations to impose licensing requirements upon optical disc manufacturing facilities and to provide a level of transparency and oversight into these groups that are producing pirate and other illegal materials in Laos.

Laos has long appeared in the Special Mention section of the IIPA report because the country's location gives rise to concerns regarding the potential migration of optical disc plants from neighboring Southeast Asian countries where illegal overproduction and export is a significant problem. In 2004, press reported that there may be plants in Thailand near the borders of Laos and Burma, and in 2005, product sourced from Laos was seized by Thai authorities.¹ Thus, unfortunately, in 2005, the fear of copyright owners has apparently become a reality. The motion picture industry reasonably estimates that the home video market is at or near a 100% piracy level.

Given the changing reality, it is time for Laos to take steps to strengthen protection for intellectual property to avoid becoming the next piracy haven. There is currently no copyright law in the country. The United States and Laos signed an Agreement on Trade Relations in 2003 which includes a chapter on intellectual property rights, and that agreement went into force in late 2004 when the U.S. Senate approved extending normal trade relations to Laos.² As it considers the appropriate legislation to implement its obligations under this trade agreement, the Laotian government should also consider adopting measures designed to improve its border enforcement authority as well as consider measures that would regulate the optical disc plants that appear to be moving to the territory. Also under the trade agreement, the Government of Laos is obligated to protect U.S. works/sound recordings and should take steps to implement its obligations as soon as possible. Laos is also a member of the Universal Copyright Convention (from September 16, 1955), providing another point of attachment for U.S. copyright subject matter, and while Laos is a member of the World Intellectual Property Organization (WIPO),³ Laos is not a member of any of the major copyright conventions of the WIPO (Berne Convention or Geneva [Phonograms] Convention). Laos is a WTO Observer Government, but the likelihood of accession to the WTO in 2006 is slim (the first meeting of the Working Party did not take place until October 2004).

¹ See, e.g., Subin Khuenkaew, *Plant Churns Out Sex Films*, Bangkok Post, January 30, 2005, at http://www.bangkokpost.com/300105_News/30Jan2005_news16.php. On September 29, 2005, Royal Thai Police intercepted a private van which had just entered Thailand across the Nong Kai Laotian border control point. On being searched the vehicle was found to contain approximately 33,000 infringing discs, including pirate sound recordings. The driver was arrested and charged.

² The grant to Laos of PNTR was part of the Miscellaneous Trade & Technical Corrections Act of 2004 signed by the President in December 2004.

³ By virtue of its membership in WIPO, Laos is eligible to request assistance from WIPO in the form of a mission or "study days" to work on copyright legislation. Also, IIPA understands the Government of Laos is in the process of preparing legislation for Laotian accession to the Berne Convention.

THIS PAGE LEFT BLANK INTENTIONALLY.