



ROYAL KINGDOM of CAMBODIA

IP OFFICES

Industrial Property (Patents and Industrial Designs)	
Competent Authority	Department of Industrial Property, Ministry of Industry and Handicraft
Web site address	http://www.mih.gov.kh/Events.aspx?DepartmentId=10
Address	45 Preah Norodom Boulevard Khan Daun Penh, Phnom Penh
Telephone	(855) 12 982 382 (855) 12 696 260
E-mail	adm_dip@yahoo.co.com rein_bbu@yahoo.com oddomheng@yahoo.com
Trademarks	
Competent Authority	Department of Intellectual Property, Ministry of Commerce
Web site address	http://www.cambodiaip.gov.kh/default.aspx?lang=en
Address	Lot 19-61, MOC Road (113B Road), Phum Teuk Thla Sangkat Toeuk Thla, Khan Sen Sok, Phnom Penh
Telephone	(855 23) 866 115 (855 11) 888 969 (855 12) 807 346 (855 12) 775 681
E-mail	cambodiaip.dip@gmail.com oprady@yahoo.com reasey_pp34@yahoo.com hengsombo@gmail.com
Copyright	
Competent Authority	Department of Copyright and Related Rights, the Ministry of Culture and Fine Arts
Web site address	http://www.mcfa.gov.kh/
Address	227 Norodom Blvd. Phnom Penh
Telephone	(855) 16 830 323 (855) 23 72 57 47 (855) 23 21 76 45
Telefax	(61 2) 6271 1901
E-mail address	info@mcfa.gov.kh mcfa@cambodia.gov.kh sim.satta2007@gmail.com kangsamoem@yahoo.com

MAIN INTERNATIONAL IP CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Instrument	In Force Since
1.	Beijing Treaty on Audio-visual Performances	March 27, 2019
2.	Hague Agreement	February 25, 2017
3.	Madrid Protocol	June 5, 2015
4.	Marrakesh VIP Treaty	N/A
5.	Paris Convention	September 22, 1998
6.	Patent Cooperation Treaty	December 8, 2016
7.	Rome Convention	N/A
8.	WIPO Convention	July 25, 1995

For More Information, please refer to:

https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=90C

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	- Originality	Life of author + 50 years	Department of Copyright and Related Rights
Trademarks	Distinctiveness Not in conflict with prior signs Not generic Not descriptive Not contrary to public order/morality See full list in art. 4	10 years renewable	Department of Intellectual Property (DIP) of the Ministry of Commerce
Patents & Utility Models	Novelty Industrial applicability Inventive step (not for utility models) Disclosure	20 years (7 years for U.M.)	Department of Industrial Property, Ministry of Industry and Handicrafts
Industrial Designs	- Novelty	15 years	Department of Industrial Property, Ministry of Industry and Handicrafts

PATENT SYSTEM	
National Law	Law on Patents, Utility Models and Industrial Designs. Adopted on January 22, 2003 Supplemented on June 29, 2006 by Prakas (Decree) No. 706 on Procedure granting Patent and Utility Model Certificates. https://wipolex.wipo.int/en/legislation/details/5781
Requirement of Agent for Foreigners	Where applicants' residence or principal place of business are outside the country, they shall be represented by agents residing and practicing in the country (Art. 116)
Language in which request may be filed	Khmer or English
Non-Patentable Subjects	<ul style="list-style-type: none"> - Discoveries, scientific theories and mathematical methods - Schemes, rules or methods for doing business, performing purely mental acts or playing games - Methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods practiced on the human or animal body - Plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals - Plants varieties (Art. 4)
Substantive Examination	Yes. (Art 35 & 36)
PCT international application through the national office of the country as a receiving office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_kh.pdf
PCT international application to the national office of the country as a designated office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/kh.pdf
INDUSTRIAL DESIGN SYSTEM	
National Law	Law on Patents, Utility Models and Industrial Designs. Adopted on January 22, 2003 Supplemented on June 29, 2006 by Prakas (Decree) No. 706 on Procedure granting Patent and Utility Model Certificates. https://wipolex.wipo.int/en/legislation/details/5781
Requirement of Agent for Foreigners	Where applicants' residence or principal place of business are outside the country, they shall be represented by agents residing and practicing in the country (Art. 116)
Language	Khmer or English
Non-Registrable Subjects	<ul style="list-style-type: none"> - Anything in an industrial design which serves solely to obtain a technical result and to the extent that it leaves no freedom as regards arbitrary features of appearance (Art. 90). - Industrial designs that are contrary to public order or morality (Art. 93).
Substantive Examination	No (Art. 102)
International application through and to the national office of the country under the Hague System	Information not available

TRADEMARK SYSTEM	
National Law	<p>Law Concerning Marks, Trade Names and Acts of Unfair Competition (Adapted on February 7, 2002)</p> <p>https://wipolex.wipo.int/en/legislation/details/5780</p> <p>Law on Geographical Indication (Adopted on January 20, 2014)</p> <p>http://cambodiaip.gov.kh/TemplateTwo.aspx?parentId=43&menuid=160&childMasterMenuId=160&lang=en</p>
Subjects of Protection	<p>Trademarks, Service marks, Collective marks Certification marks (protected by a separate Ministerial Declaration (Prakas)/regulation)</p> <p>Geographical Indication (Law on Geographical Indication and Ministerial Declaration (Prakas))</p>
Requirement of Agent for Foreigners	Where applicants' residence or principal place of business are outside the country, they shall be represented by agents residing and practicing in the country (Art. 58 and 59 of Law concerning Mark, Trade Name and Act of Unfair Competition)
Language	Khmer or English
Non-Registrable Subjects	<ul style="list-style-type: none"> - Incapable of distinguishing the goods or services of one enterprise from those of other enterprises - Contrary to public order or morality or good custom - Likely to mislead the public or trade circles, in particular as regarding the geographical origin of the goods or services concerned or their nature or characteristics (Misleading marks) - Identical with, or is an imitation of or contains as an element, an armorial bearing, flag and other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organization or organization created by an international convention, unless authorized by the competent authority of that State or organization - Identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in the country for identical or similar goods or services of another enterprise - Identical with, or confusingly similar to, or constitutes a translation of a mark or trade name which is well-known and registered in the kingdom of Cambodia for goods or services which are not identical or similar to those in respect of which registration is applied for, provided that use of the mark in relation to those goods or services would indicate a connection between those goods or services and the owner of the well-known mark that the interests of the owner of the well-known mark are likely to

	<p>be damaged by such use</p> <ul style="list-style-type: none"> - Identical with a mark belonging to a different proprietor and already on the register or with an earlier filing or priority date, in respect of the same goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion. <p>(Art. 4 of Law concerning Mark, Trade Name and Act of Unfair Competition)</p>
Substantive Examination	Yes (Art. 8 of Law concerning Mark, Trade Name and Act of Unfair Competition))
Publication of Registrations	Registrations are published after examination (Art.10(a) of Law concerning Mark Trade Name and Act of Unfair Competition))
Opposition System	Any interested person may file an opposition with the Registrar against the registration of a mark on the grounds that one or more of the requirements under the national law is not complied with (Art. 10 (c) of Law concerning Mark, Trade Name and Act of Unfair Competition))
International application through the national office of the country as an office of origin under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=9134&datafields=9582,9584,9583
International application to the national office of the country as a designated office of designated country under the Madrid System	https://www.wipo.int/madrid/memberprofiles/#/result?countries=9134&datafields=9638,9599,9602,9601,9605,9600,9603,9598,9604,9596,9597,9625,9622,9626,9623,9624,9627,9628,9621,9610,9607,9609,9615,9608,9611,9614,9613,9620,9612,9606,9618,9619,9617,9616,9639,9640,9631,9630,9629,9632,9589,9592,9588,9590,9594,9593,9586,9591,9585,9587,9637,9633,9635,9636,9634,9595

COPYRIGHT SYSTEM	
National Law	<p>Law on Copyright and related rights. (Adopted on January 21, 2003)</p> <p>https://wipolex.wipo.int/en/legislation/details/5782</p>
Subjects of Protection	<p>Work is defined as a product in which thoughts or sentiment are expressed in creative way, and which falls within the literary, scientific, artistic or musical domain (Art. 2). The following subject matters are protected under copyright (art.7):</p> <ul style="list-style-type: none"> - All kinds of reading books or other literary, artistic, scientific, and educational documents - Lectures, speeches, sermons, oral or written pleadings and other works of the same characteristics - Dramatic works or musical dramas - Choreographic works, either modern or adapted from traditional works or folklore - Circus performances and pantomimes - Musical compositions, with or without words - Audio-visual works

	<ul style="list-style-type: none"> - Works of painting, engraving, sculpture, or other works of collages, or applied arts - Photographic works, or those realized with the aid of techniques similar to photography - Architectural works - Maps plans, sketches or works pertaining to geography, topography, or other sciences - Computer program and the design encyclopedia documentation relevant to those programs - Products of collage work in handicraft, hand-made textile products or other clothing fashions <p>The following works are not copyrightable (Art. 10):</p> <ul style="list-style-type: none"> - Constitution, Law, Royal Decree, Sub-Decree, and other Regulations - Proclamation (Prakas), decision, certificate, other instructed circulars issued by state organizations, and their translations - Court decisions or other court warrants, and their translations; - Idea, formality, method of operation, concept, principle, discovery or mere data, even if expressed, described, explained or embodied in any work.
Foreign Copyright Holders	Cambodia is not a member of Berne Convention. However, being member of the WTO, and the TRIPS agreement, there is an obligation that copyright protection should be automatically extended to foreign works.
Moral Rights	<p>The moral rights of the author are perpetual, inalienable and imprescriptible (art. 19). They include the following rights (art. 20):</p> <ul style="list-style-type: none"> - The right to decide the manner and timing of disclosure of the work - The right to be named as author for the purpose of communication to the public - The right to oppose all forms of distortion, mutilation or modification of the content of their work, which would be prejudicial to their honor or reputation.
Economic Rights	<p>Economic rights: authors enjoy exclusive rights to exploit their own work through their reproduction, communication to the public, and creation of derivative work, etc. (art. 21). Authors have exclusive rights to act by themselves or to authorize someone to do the following:</p> <ul style="list-style-type: none"> - Translation into foreign language - Adaptation and simplification or any modification of the work - Rental or public lending of the original or a copy of an audiovisual work, or a work embodied in a phonogram, a computer program, a database or a musical work in the form of musical notation - Public distribution by sale, rental of the original or a copy of the work - Importation into the country, reproduction of copies of their works

	<ul style="list-style-type: none"> - Reproduction of the work - Public performance of the work - Public display of the work - Broadcasting of the work - Other means of communication of the work to the public.
Limitation to Author's Rights	The major limitations and exceptions to copyright are listed in Art. 23 to Art. 29.

TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

No available information

ATTORNEYS IN THE COUNTRY

Information in this regard is available at: http://cambodiaip.gov.kh/DocResources/53d9892c-6de0-46e3-8cd4-32a7ca9b0f8a_e9e18593-8994-4a44-818e-1c9f313dbe17-kh.pdf

FILING PROCEDURES

Patents

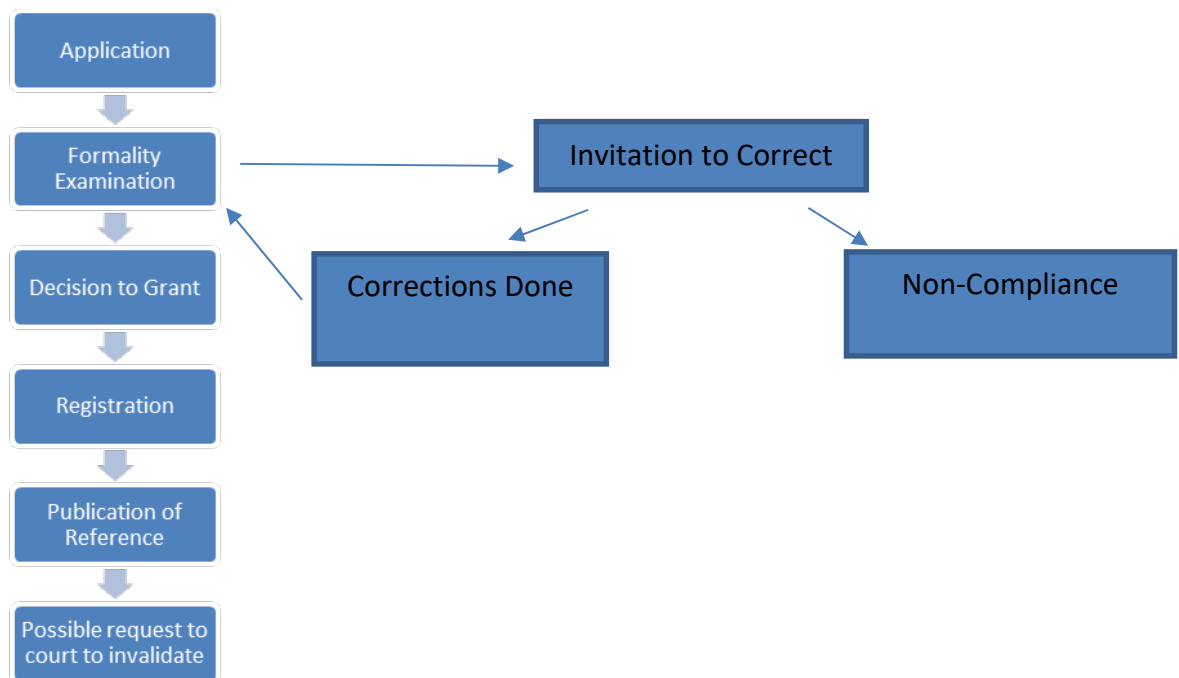
Procedures for obtaining a Patent in Cambodia under the National Law

1. A national application is filed with the Ministry of Industry and Handicraft (Department of Intellectual Property (DIP)), containing one or more claims defining the scope of protection of the patent, a description of the invention, drawings, if appropriate, and an abstract.
2. DIP carries out a formality examination. If the application does not comply the requirements under the law, the Registrar invites the applicant to amend the application within 2 months.
3. DIP carries out a substantive examination. If the application does not comply the requirements under the law, the Registrar invites the applicant to amend or divide the application within 5 months.
4. The Registrar notifies the applicant of the decision to grant or to refuse to grant a patent.
5. In case of a decision to grant the patent, the Registrar requests the applicant to pay the grant fees within 3 months.
6. The Registrar then publishes a reference to the grant of the patent in the official gazette.

Additional information relating to the Procedures for obtaining a Patent in Cambodia through PCT

- PCT international applications designating the country should be translated into Khmer and enter the national phase within 30 months from the priority date. Filing fee should be paid at this stage.
- DIP carries out a substantive examination. If the application does not comply the requirements under the law, the Registrar invites the applicant to amend or divide the application within 5 months.
- The Registrar notifies the applicant of the decision to grant or to refuse to grant the patent. In case of a decision to grant the patent, the Registrar requests the applicant to pay the grant fees within 3 months.
- Then the Registrar publishes a reference to the grant of the patent.

Flow Chart of Filing Procedure for Patents



Trademarks

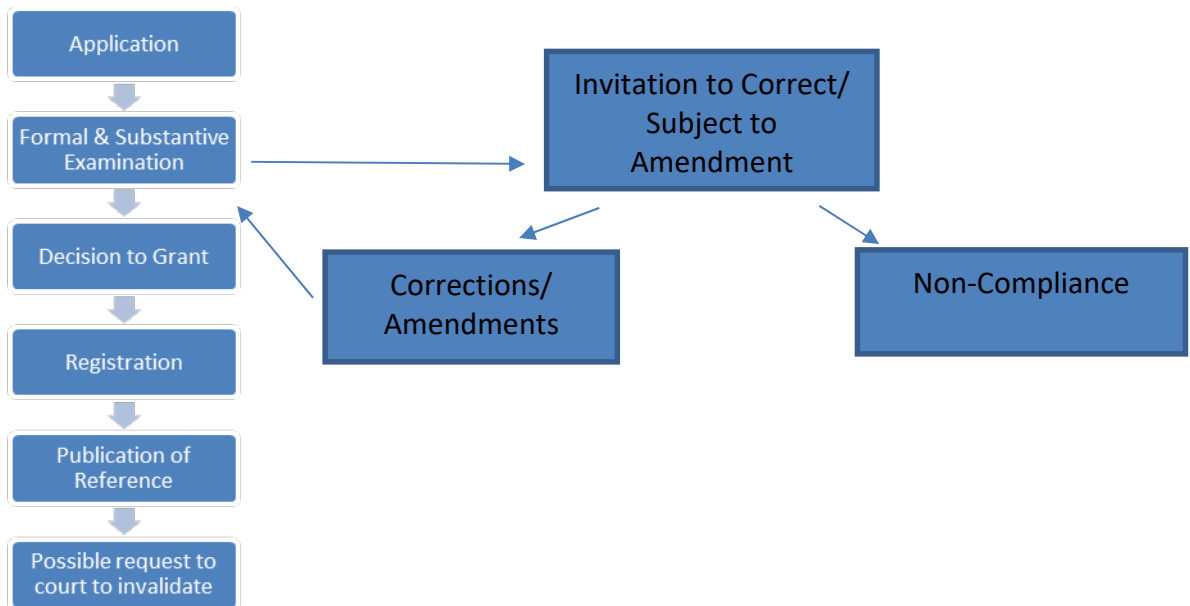
Procedures for obtaining a Trademark in Cambodia under the National Law

1. A national application is filed with the Ministry of Commerce (Department of Industrial Property (DIP)).
2. A standard application form (provided by DIP or available online at <http://www.cambodiaip.gov.kh/TemplateTwo.aspx?menuid=248&lang=en>). 15 specimens of the mark must be attached. A translation and a transliteration of non-English marks must be provided.
3. A list of the goods or services for which the mark will be used. Please note that even though not a signatory, Cambodia applies the Nice Classification of goods and services. One application may cover several classes of goods or services.
4. DIP carries out a formality and substantive examination. If the application does not comply the requirements under the law, the Registrar invites the applicant to amend the application within 45 days. In case the application may be acceptable subject to amendments, disclaimers, limitations or other conditions, and the applicant objects them, the applicant can apply for a hearing or submit observations within 60 days to Registrar.
5. The applicant may appeal against the Registrar's decision to refuse the application to the Appeal Board of the Ministry of Commerce or to the competent court within 3 months.
6. Interested parties may appeal against the decision to the competent court within 3 months.
7. If the application complies the requirements under the law, the Registrar shall register the mark and publish a reference to the grant of the trademark.
8. Any interested party may, within 90 days, file an opposition with the Registrar against the registration of the mark based on alleged violation of the requirements under the law.

Additional information relating to the Procedures for obtaining a trademark in Cambodia through the Madrid System

- DIP carries out an examination within 18 months from the receiving the request for extension of protection from WIPO. If the application does not comply the requirements under the law, the Registrar invites the applicant to responses to the provisional refusal from DIP within 60 days.
- The rest of the procedure is identical to the one described above the marks filed with DIP.

Flow Chart of Filing Procedures for Trademarks



Designs

Procedures for Obtaining an Industrial Design in Cambodia

1. A national application is filed with the Ministry of Industry and Handicraft (Department of Industrial Property (DIP)), accompanied by drawings, photographs or other adequate graphic representations of the industrial design.
2. DIP carries out a formality examination.
3. If the application does not comply the requirements under the law, the Registrar invites the applicant to amend the application within 2 months.
4. If the application complies the requirements under the law, the Registrar registers the industrial design.
5. Then the Registrar publishes a reference to the registration.

Flow Chart of Filing Procedures for Designs

