

CAMBODIA

PATENT HANDBOOK

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Disclaimer: This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change. You should contact us for advice specific to your own situation. Whilst every effort has been made to ensure the accuracy of the information, Pintas IP Group shall not be responsible for any inaccuracies or omissions, however caused therein. Nor can any responsibility be accepted for any loss or damage to any company or person as a result of actions taken or not taken on the basis of the content of this handbook.

In Cambodia, patent protection is obtainable by way of a direct national application.

Legislation

Law on Patents, Utility Models and Industrial Designs (2003), Prakas (Declaration) on the Procedure for the Grant of Patents and Utility Model Certificates (2007).

Patentability Criteria

An invention is patentable if it:

- is new;
- involves an inventive step; and
- is industrially applicable.

Non-Patentable Subject Matter

- 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; this provision shall not apply to products for use in any of those methods;
- Pharmaceutical products as provided in Article 136 of the Cambodian Law;
- Plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals;
- Plants varieties.

Utility Innovations

The Cambodian patent system also provides for the grant of utility model certificates. A utility model must fulfill the criteria of novelty and industrial applicability (but not inventiveness). A utility model certificate shall expire, without any possibility of renewal, at the end of the seventh (7th) year after the date of the filing of the application.

Membership

✓ - Paris Convention

✓ - Patent Cooperation Treaty (PCT)

Cambodia is a member of the Paris Convention from 1998, whereby applications from convention countries will be subject to the same priority date in Cambodia. The application for priority has to be made within six months of the first application in a convention country.

Rule of Priority

"First to file" is the rule followed by Cambodia in determining priority of patents.

Duration

The duration of protection is 20 years from the official filing date in Cambodia. The annual fee has to be paid each year in order to maintain the patent.

Procedures

▼ Application

Patent applications claiming priority should be filed with the Cambodian Patent office 12 months from the priority date.

An application may be filed in any other language, and its Khmer translation should be submitted within six months from the filing date.

Priority document and its certified translation into Khmer should be submitted within three months from the filing date.

An original notarised Power of Attorney may be provided within two months from the filing date. However, a copy must at least be submitted at the time of filing of a patent application in Cambodia.

▼ Substantive Examination Request

It should be requested at the time of filing of a patent application in Cambodia.

▼ Registration

Once complete documentation has been submitted, the process of registration can usually be accomplished approximately 3-5 years in average.

Filing Requirements

The following information and/or documents are required to file an application for a patent application in Cambodia:-

Direct National Application:-

- Application Form:-
 - △ the name, address and nationality of the applicant;
 - △ the name, address and nationality of the inventor;
 - △ if the applicant is inventor, the application shall be attached by a letter mentioning as inventor;
 - △ the International Patent Classification
 - △ a specification comprising a description, claims, abstract and any necessary drawings; and
 - △ the country and filing particulars of basic application (filing date and application number) whose priority is claimed.
- Appointment of Patent Agent.

Documents To Be Furnished For Filing A Patent Application in Cambodia

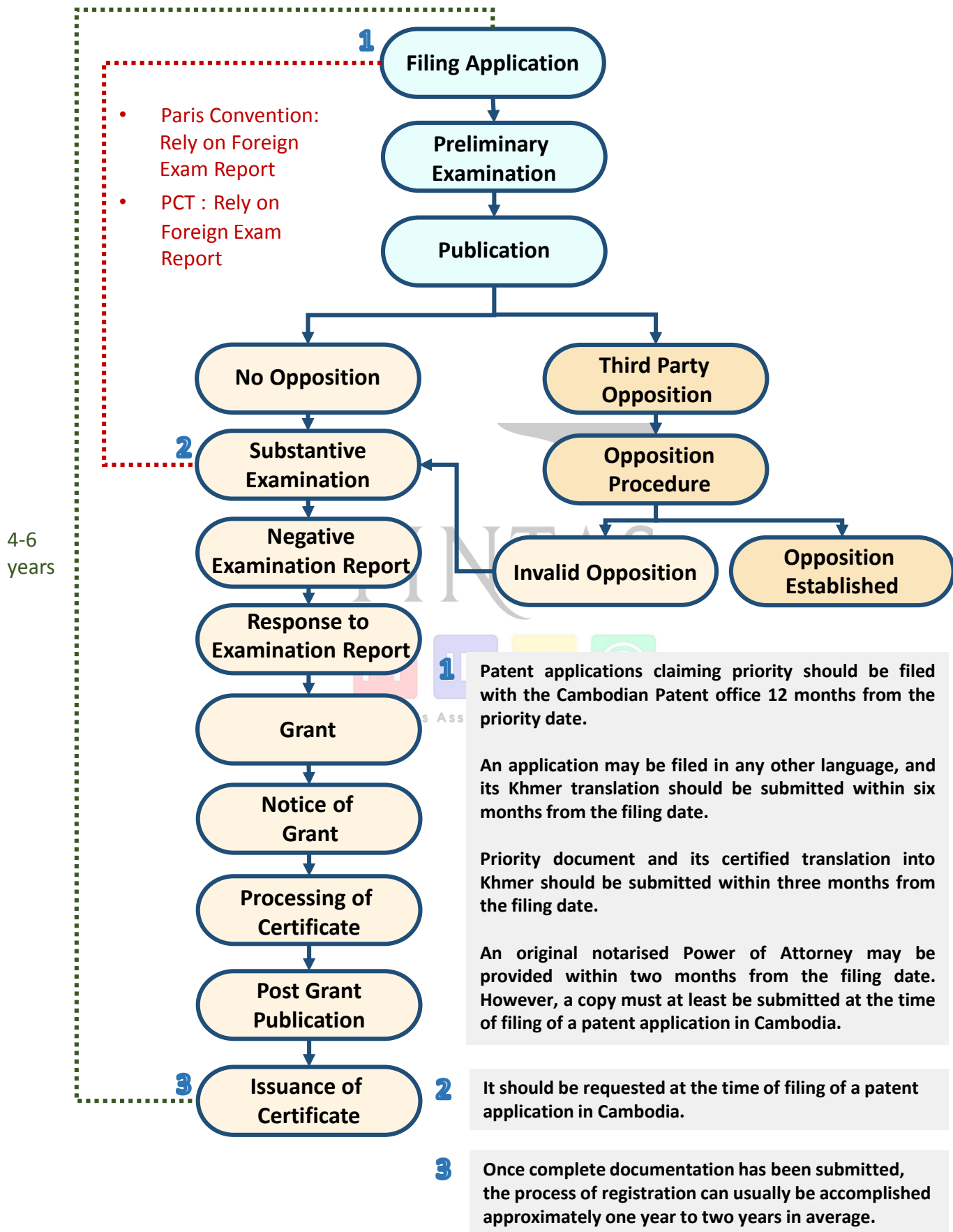
Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	No legalization	On filing date
Drawings	(If Any)	On filing date

Additional Documents for Convention Patent Application		
Documents	Remarks	Time of Filing
Priority documents	Certified copy	On filing date
Business License (if the applicant is legal entity)	Certified copy	On filing date
Power of Attorney	Notarized	Within 2 months from the filing date
Deed of Assignment	Notarized	Within 3 months from the filing date



"Today's Asset, Tomorrow's Value"

Patent Application Process In Cambodia (Substantive Examination Regime)



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