



# CAMBODIA

## TRADEMARK 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

### Legislation

Law Concerning Marks, Trade Names and Acts of Unfair Competition of the Kingdom of Cambodia (2002).

### Definition

"Mark" means any visible sign capable of distinguishing the goods (trademark) or services (service mark) of an enterprise. "Trade name" means the name or/ and designation identifying and distinguishing an enterprise.

### Criteria

A mark cannot be validly registered:-

- if it is incapable of distinguishing the goods or services of one enterprise from those of other enterprises;
- if it is contrary to public order or morality or good custom;
- if it is likely to mislead the public or trade circles, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics;
- if it is 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;
- if it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in the Kingdom of Cambodia for identical or similar goods or services of another enterprise;
- if it is 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 be damaged by such use; or
- if it is 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.

### Membership

- √ - Paris Convention
- √ - Madrid Protocol

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 trademarks.

### Duration and Renewal

A trade mark once registered is valid for a term of 10 years and can be renewed every 10 years. A 6-months grace period is allocated after the expiry date for the renewal. Once the expiry date has passed, the trade mark will no longer have the benefit of any rights arising from registration.

Affidavit of use/non-use:-

- must submit affidavit of use/non-use (compulsory) during the 5 years after registration.
- to inform TM office that we are still using the mark (file for use)
- interested to use the mark in the future (file for non-use)
- fail to file, abandonment of mark



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## Procedures

### Application

Every applicant is required to submit an application with the Cambodia Intellectual Property Office.

### Substantive Examination

Is conducted to identify any prior registered mark which are identical with/or similar to the claimed mark.

### Registration

The duration of registration takes a minimum period of 18 months from filing date. The registration is effective from date of application.

## Filing Requirements

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

- Application form.
- Power of Attorney.
- Fifteen (15) clear copies of the mark.
- The full name, nationality and registered address of the applicant.
- A list of goods or services (which closely follow the Nice International Classification).
- Description of claim if colour or a combination of colour or a combination of colours is claimed as Trademark.
- For marks that contain non-English words, a certified transliteration and translation.



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## Documents To Be Furnished For Filing Trade / Service Mark Application

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Signed and notarized	A copy on filing date with the original to be submitted within one month
Mark	Not larger than 8cm x 8cm	On filing date

(If Applicable) Additional Documents for Claiming a Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Notarized	A copy on filing date with the original to be submitted within one month

(If Applicable) Documents for Filing a Request of Records of Assignments		
Documents	Remarks	Time of Filing
Power of Attorney	Notarized	On filing date
The original certificate of trademark registration		On filing date
The trademark assignment agreement signed by both assignor and assignee.	Notarized/Certified	On filing date

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**(If Applicable) Documents for Filing a Request of Records of Assignments**

Documents	Remarks	Time of Filing
Power of Attorney	Notarized	On filing date
Declaration of change of name/address or legal documents showing the change of name/address	Notarized	On filing date
Original certificate of trademark registration		On filing date

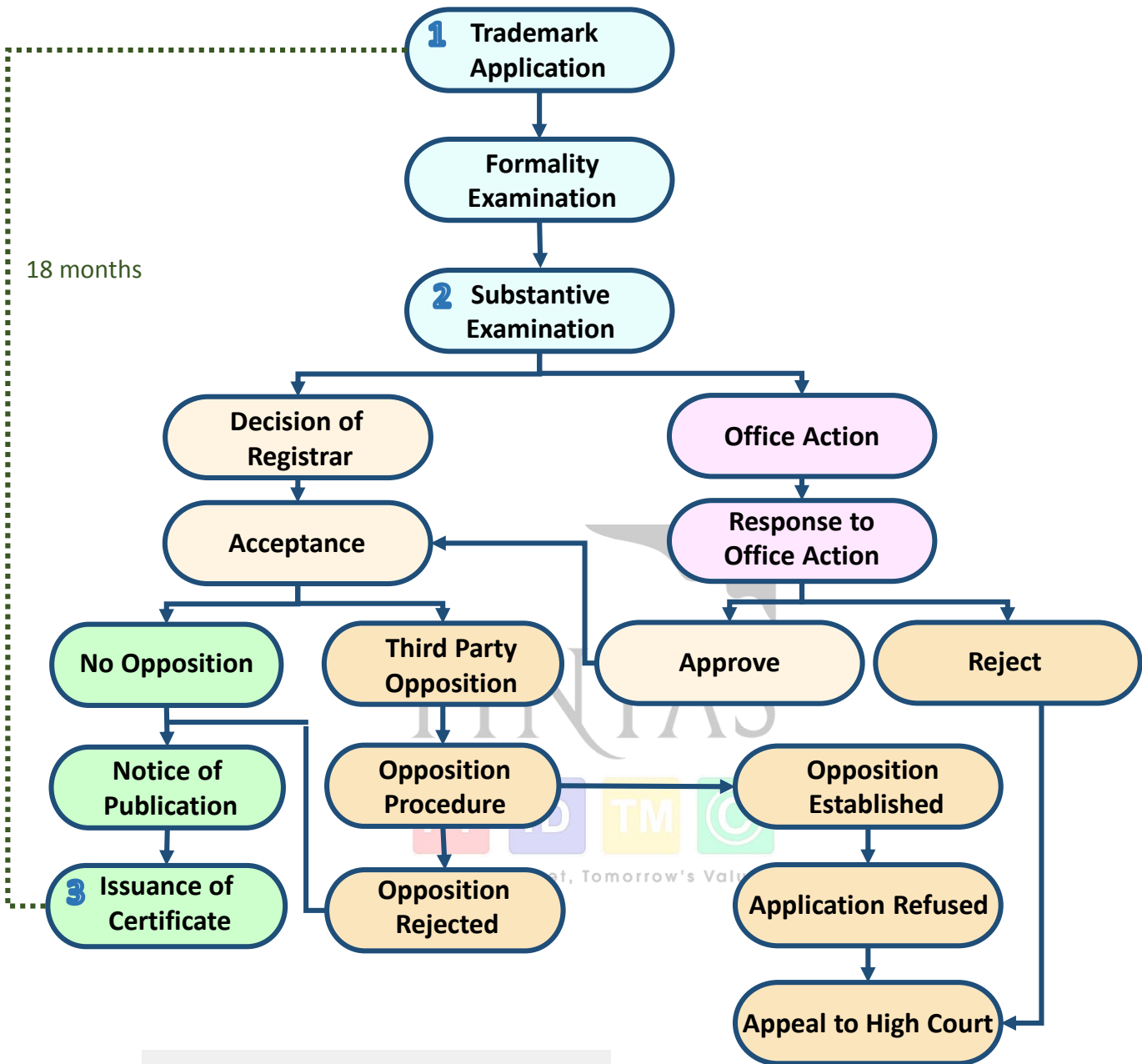
**Affidavit of Use / Non-use**

Documents	Remarks	Time of Filing
Original Certificate		On filing date
Affidavit form evidence of use	Notarized	On filing date
POA	Notarized	On filing date



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# Trademark Registration Process in Cambodia



**1** Every applicant is required to submit an application with the Cambodia Intellectual Property Office.

**2** Is conducted to identify any prior registered mark which are identical with/or similar to the claimed mark.

**3** The duration of registration takes a minimum period of 18 months from filing date. The registration is effective from date of application.

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