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**WIPO-ASEAN SUB-REGIONAL FORUM ON
PROMOTION OF INNOVATION**

**Current Status
and Future Prospects on Patent of the
Kingdom of Cambodia**

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1. Current status of Patent

1.1. National Patent System

Law on Patent, Utility Model Certificates and Industrial Designs.

- Technical Assistance in drafting the Law by WIPO
- Adopted by National Assembly on November 28, 2003
- Ratified by Senate on January 22, 2004
- Promulgated by the King on January 22, 2004
- 9 Chapters, 137 Articles

Regulation on Legislative Procedure for Patent and Utility Model Certificate Granting.

- Signed by Minister for Industry, Mines and Energy on June 29, 2006.



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1.1 National Patent System (cont.)

Aim of the Law (Art. 1)

Provides protection for the patented invention and certificated utility model and for registered industrial designs in the Kingdom of Cambodia.

Objective of the Law (Art. 2)

- to encourage innovation, scientific and technological research and development,
- to stimulate and promote internal and external commerce and investment,
- to promote the transfer of technology to the country in order to facilitate industrial activity and the development of the economy.
- to provide protection for industrial property rights and to combat the infringement thereof, as well as illegal business practices.

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1.1 National Patent System (cont.)

What's Patent and utility model mean? (Art. 3)

Patent and *utility model* means the title granted to protect an invention.

What's invention means?

Invention means an idea of an inventor, which permits in practice the solution to a specific problem in the field of technology.

An invention maybe, or may relate to, a *product* or *process*.

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1.1 National Patent System (cont.)

An invention is patentable if it: (Art. 5)

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

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1.1 National Patent System (cont.)

An utility model is certificated (granted) if it: (Art. 69)

- is new
- is industrially applicable

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1.1 National Patent System (cont.)

Exclusion from patent protection

The following inventions, shall be excluded from patent protection. (Art. 4)

- discoveries, scientific theories and mathematical methods;
- Schemes, rules or method 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. (Art. 136)**
- Plants and animals other than microorganisms, and essentially biological processes for the protection of plants or animals.
- **Plants varieties.**

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1.1 National Patent System (cont.)

Pharmaceutical product is not patented.(Art. 136)

The pharmaceutical products mentioned in Art. 4 shall be excluded from patent protection until **January 01, 2016**, according to the Declaration on Agreement on Trade Related Aspects of Intellectual Property Rights and Public Health of the Ministerial Conference of World Trade Organization dated on November 14, 2001 in Doha of Qatar.

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1.1 National Patent System (cont.)

Exclusion from patent protection (Art. 9)

The inventions, the commercial exploitation in the Kingdom of Cambodia of which would be contrary to public order or morality, or would not be protected human, animal or plant life or health, or would cause serious prejudice to the environment, or prohibited by Law.

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1.1 National Patent System (cont.)

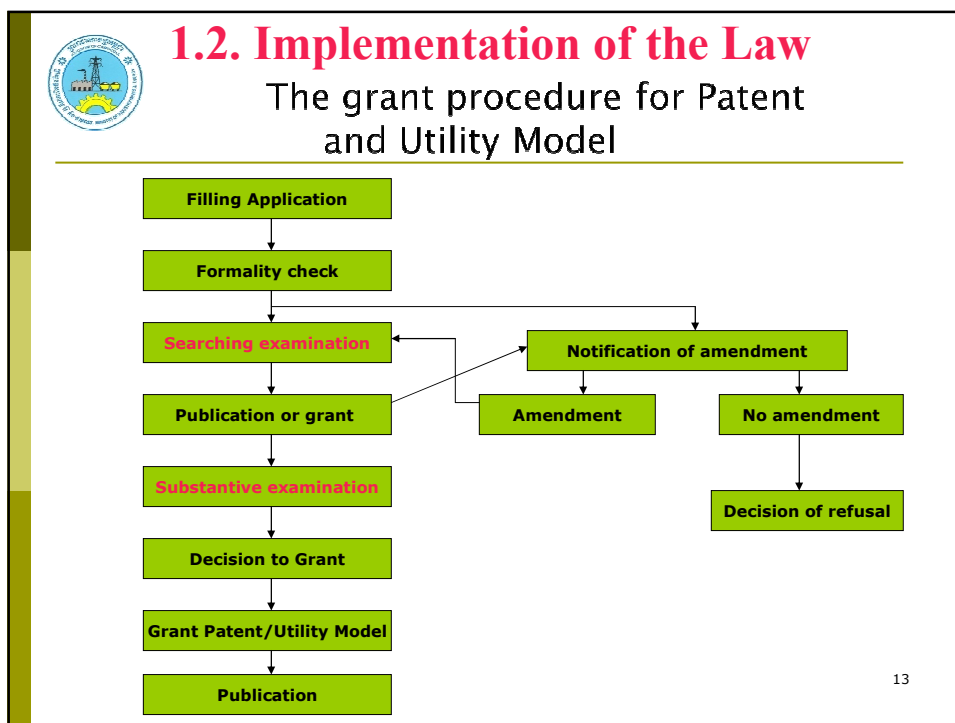
Duration of protection for patent: (Art. 45)

A patent shall be valid for a period of **20 years** after the *filling date* of the application.

Duration of protection for utility model: (Art. 73)

A utility model certificates shall valid, *without any possible of renewal, in the period of the 7 years from the date of filling* of the application.

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Patent Application

A- Statistic of Patent application

Year	Foreign application	Domestic application
2007	13	0
2008	38	0
2009	28	0

Chemistry	Non- Chemistry
27 8 (pharmaceutical)	44

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1.2. Implementation of the Law (cont.)

Examination

1- Application with priory claims

- Countries are members of Paris convention or WTO
- Search report from priority countries

2- Application with no priority claim

- Applicant has to request for examination
- Patent Office doesn't examine, the application send to WIPO for examination

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1.2. Dissemination of patent system and patent information (cont.)

- Department of Industrial Property hold seminar on Industrial Property and Management of New Creativity and Innovative Center on May 5-6, 2009
- Seminar on Patent Information on July 30, 2010
- Seminar on Important of Using Industrial Property System for Promoting development of SMEs on June 7, 2010
- Seminar on Patent Information on May 27, 2010

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1.3. Challenges

- Knowledge of Examiners are still limited
- No Patent Attorney in order to assist inventor in drafting patent applications
- Dissemination of patent system still limited

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2. Future prospects on Patent

- Staff need to be trained
- Examiner need to be trained on administration and examination
- Promotion of dissemination the patent system to the public
- Train layers for becoming a patent attorney
- Promotion of dissemination the patent information to the public
- Patent Office will do examination of application itself
- Patent application will be increased

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*Thank you
for attention!*

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