



**OBSERVATION PROGRAM ON MADRID SYSTEM  
IN THE JAPAN PATENT OFFICE**

**Organized by the World Intellectual Property Organization  
(WIPO)**

**In cooperation with the Japan Patent Office (JPO)**

*The present status of national efforts toward accession to the  
Madrid System in Cambodia*

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# I- Overview

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## □ Protection of IPRs in Cambodia

- The protection of Intellectual Property Rights is under different institutions.
  - Ministry of Commerce: Trademarks, Geographical Indication and Trade Secrets
  - Ministry of Industry Mines and Energy: Patents, Utility Model, Industrial Design and Layout Design of Integrated Circuits and New Plant Variety
  - Ministry of Culture and Fine Arts and Ministry of Information: Copyrights and Related Rights

# Con't

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- Due to the difficulty to get unique policy on IP on February 22, 1999, the Royal Government issued a Decision No. 16 establishing a committee supervising the three areas of IP.
- Establishment of IPR National Committee(2008): Strengthening IPR Laws and Enforcement
- IPR National Committee was established by Sub-Decree No. 142 of 18 September 2008 with 14 Agencies involved:
  - 1- Ministry of Commerce
  - 2- Ministry of Industry, Mines and Energy
  - 3- Ministry of Culture and Fine Arts
  - 4- Office of Council of Ministers
  - 5- Ministry of Interior
  - 6- Ministry of Economics and Finance
  - 7- Ministry of Information
  - 8- Ministry of Post and Telecommunication
  - 9- Ministry of Health
  - 10- Ministry of Agriculture, Forestry and Fishery
  - 11- Ministry of Environment
  - 12- Ministry of Justice
  - 13- Ministry of Education, Youth and Sports
  - 14- Ministry of Tourism

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## Duties of IPR National Committee:

- ❑ Stimulate and assure a unique national policy on intellectual property
- ❑ Enhance a smooth cooperation between ministries and institutions concerned in preparing, disseminating and enforcing laws and regulations of IPRs, to comply with the commitments of the Kingdom of Cambodia during its accession to WTO.
- ❑ Receiving and utilizing effectively technical assistance related to the field of IPRs from international organizations and other countries.
- ❑ Study agreements and international treaties related to IPR to find out advantages and disadvantages for the purpose of getting approval for Cambodia's membership from the Royal Government of Cambodia
- ❑ Report the result to the Government at least 01 time per year and in each stage

## II- Legislative Framework

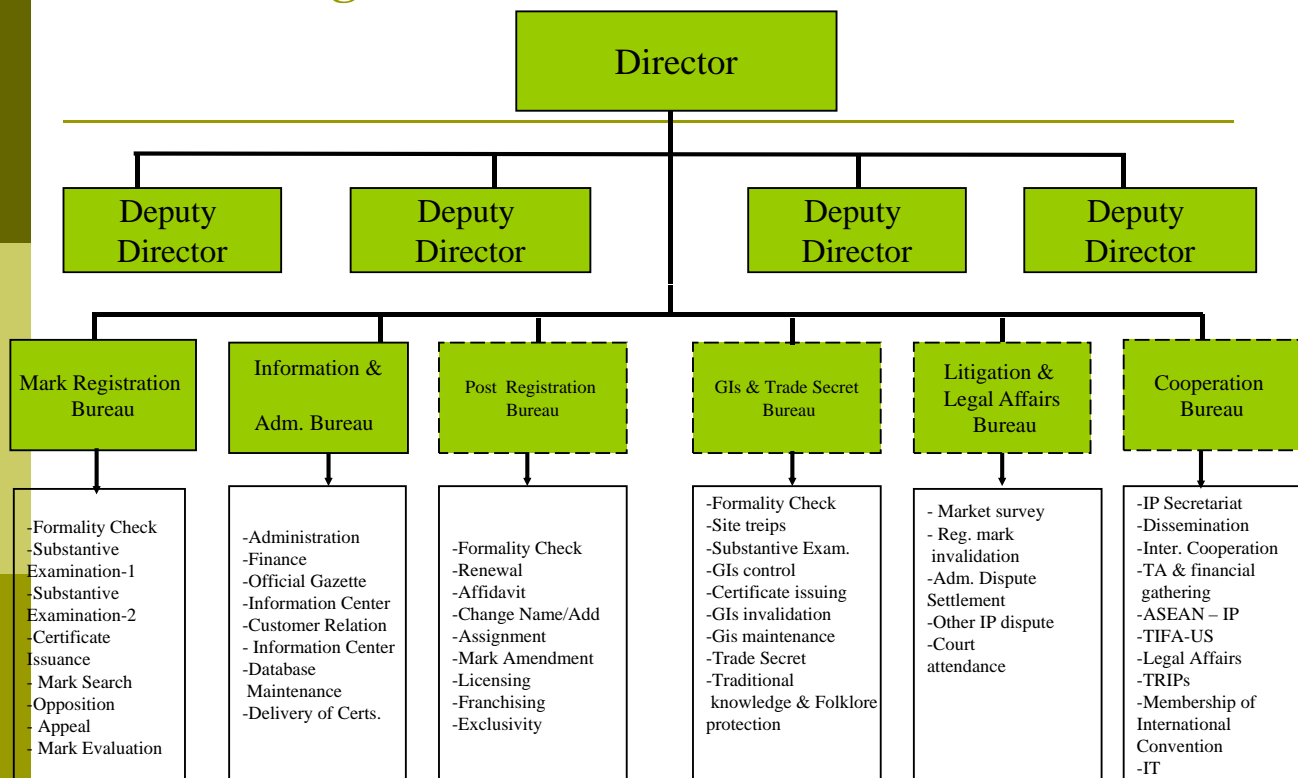
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- ❑ Law Concerning Marks, Trade Names and Acts of Unfair Competition was adopted on December 06, 2001 and promulgated on February 07, 2002
  - Sub-Decree for Implementing Trademark Law: 12 July 2006
  - TM Manuel will be introduced at the end of 2009
  - Sub-Decree on Procedures for Enforcement of IPRs will be introduced in 2009-10

## III- Structure of Department of Intellectual Property Rights and Protection of Trademark in Cambodia.

- ❑ The registration of marks has been starting since 1991, despite the Trademark Law came into force on February 07, 2002.
- ❑ Before the Trademark Law came into force, the protection of marks in Cambodia are based on the Regulation of the Ministry of Commerce and the Provision Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period dated September 10, 1992.
- ❑ The Trademark Office was upgraded to DIPRs on 22 September 1997
- ❑ E-mail: [ipd@moc.gov.kh](mailto:ipd@moc.gov.kh)

### DIPRs Organization Chart



# Trademark protection in Cambodia

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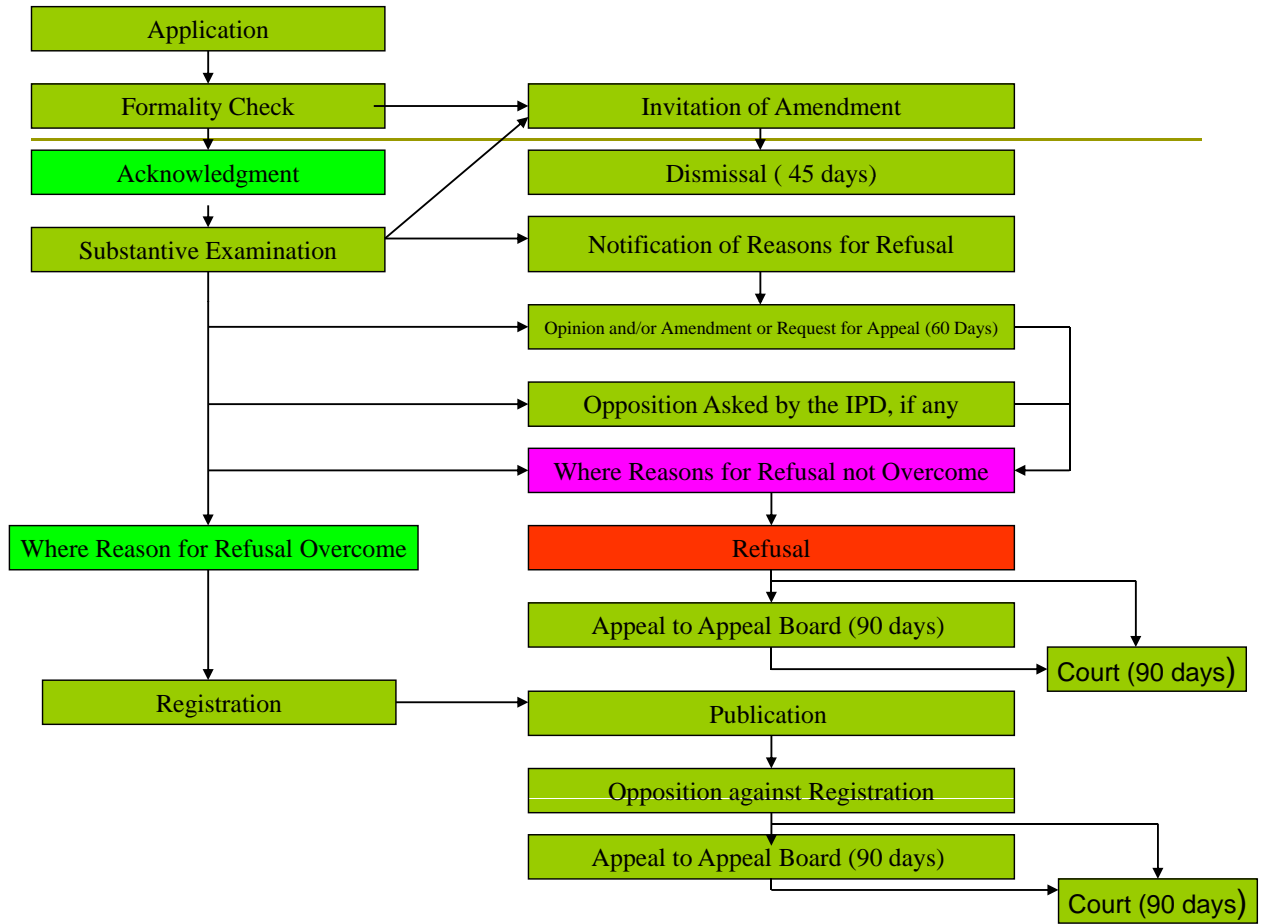
- Protection of Trademark can be sought by filling an application to register of the mark at the Department of Intellectual Property Rights, Ministry of Commerce.
- **Basic principle of mark registration:**
  - \* *Resistible Mark*: Letters, word, numerals, logo, device (graphic), label (trade Dress), colors mark, combination of colors, name, signature, three dimensional sign(3-D), slogan.
  - \* *Unregistered marks* included associated mark, certification mark, defensive mark, smell mark, sound mark, touch mark, taste mark, motion mark and single color.

## Other Principles.

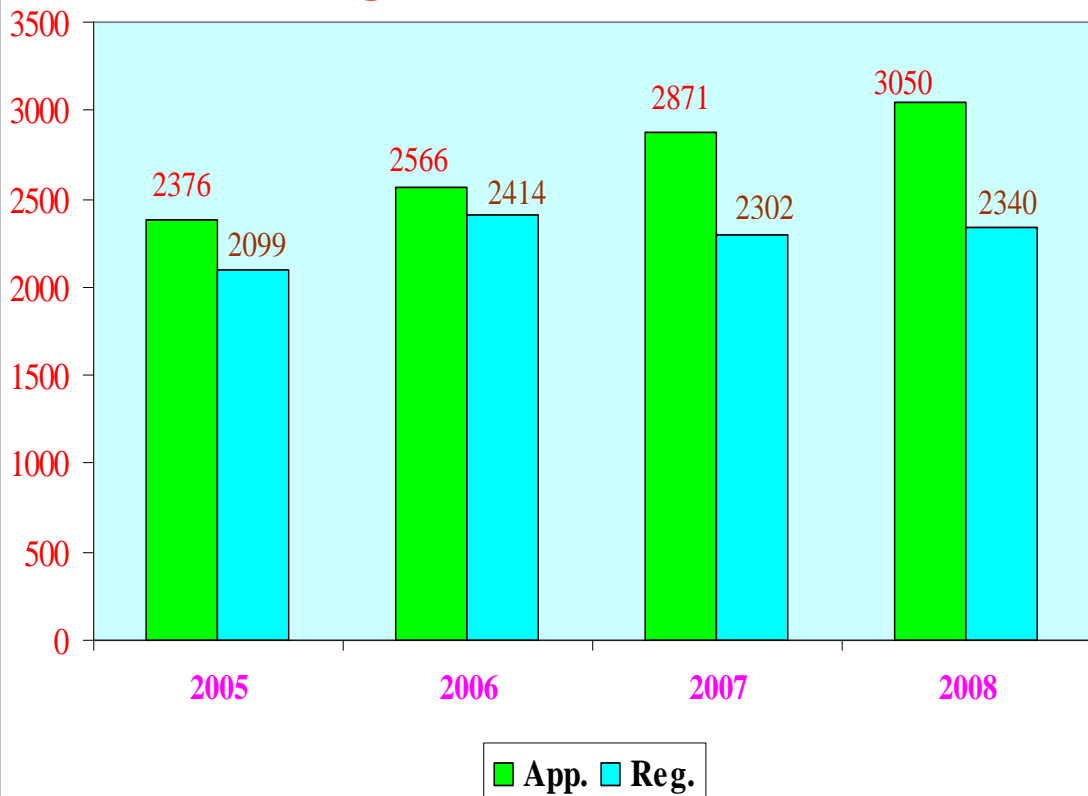
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- 9th of Nice Classification
  - Details of goods or services has been introduced from January 1, 2007
- Vienna Classification has been introduced for figurative marks from January 1, 2007
- Duration: 10 years from Filing Date, It can be renewed

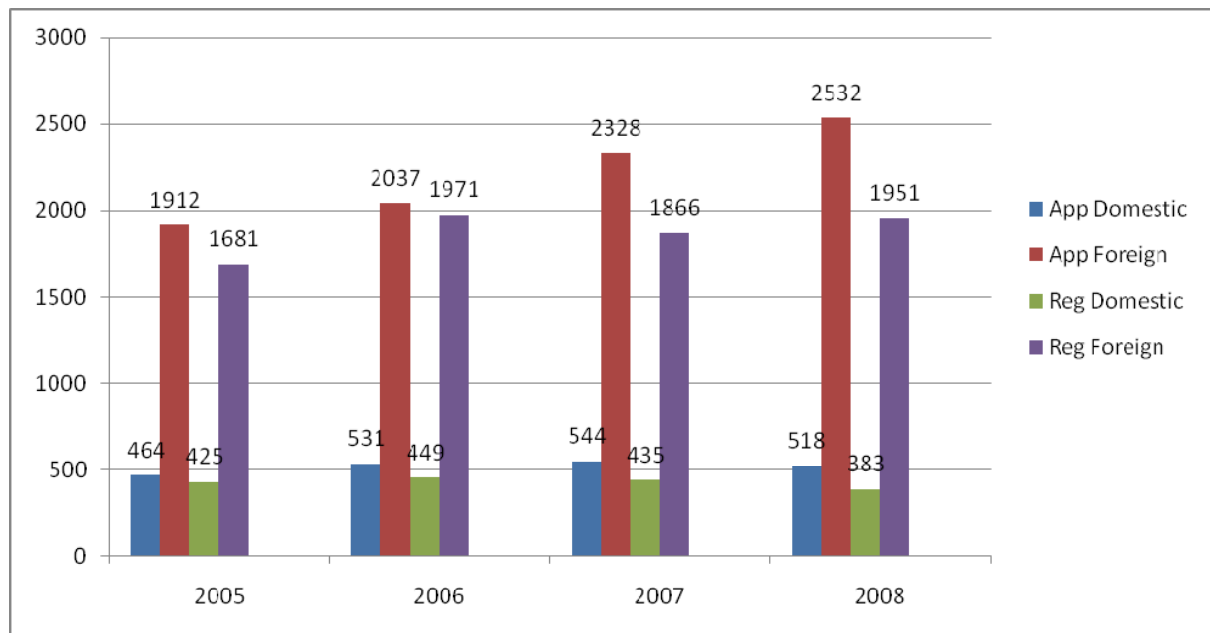
## Mark Registration & Opposition Procedures



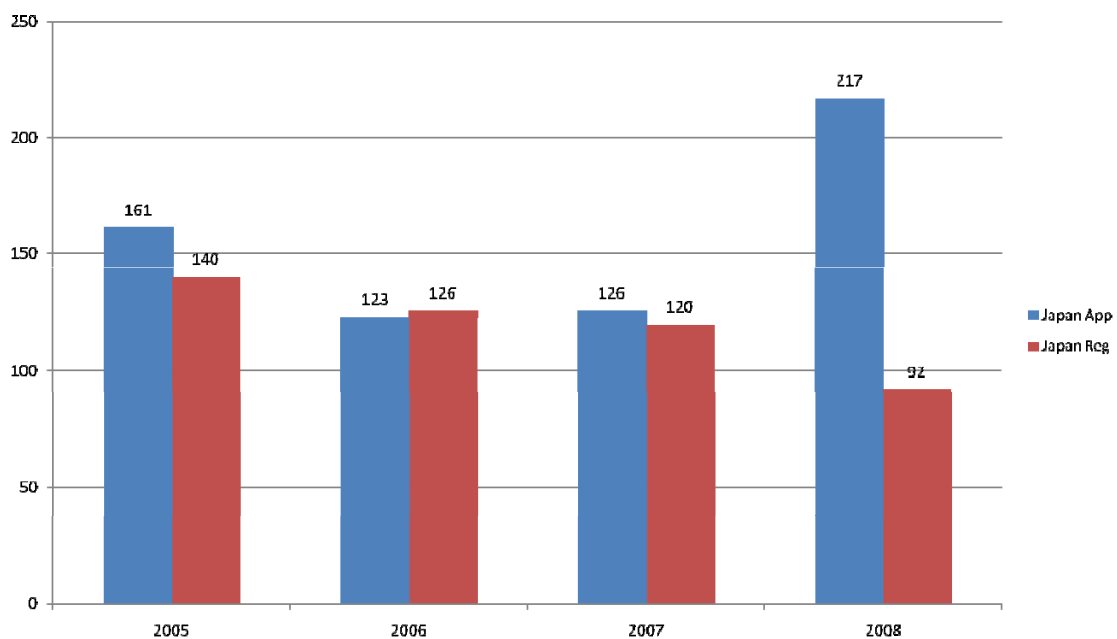
## Mark Registrations for 2005-2008



# Statistics of Trademark Application and Registration



# Statistics of Japan Trademark Application and Registration



## IV- The accession to the Madrid System

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- ❑ Establishing a Group for study the Madrid System.
- ❑ Examine requirements and consequences (costs/benefits) of possible accession by Cambodia to the Madrid System.
- ❑ Study, compare with our Laws and Regulations.
- ❑ Report the result of study of Madrid System to the IPR National Committee.
- ❑ Report the result of study of Madrid System to the Government for the purpose of getting approval for Cambodian membership from the Royal Government of Cambodia.

## V- Challenge faces in the IP Protection.

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- ❑ Lack of human resources. Capacity building needed for officers
- ❑ Lack of legal documents guiding of the accession to the Madrid System.
- ❑ The separation of agencies responsible for policy formulation and implementation.
- ❑ Lack of experiences of enforcement bodies.
- ❑ No special court for IP (Commercial court)
- ❑ Need IP teaching material in various institutions involved in the teaching of IP in Cambodia.
- ❑ The lack of public awareness



## VI- Conclusion

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- ❑ Cambodia has to open up and prepare itself to be adapted to the international standard, including the protection of Intellectual Property Rights. These challenges require treat efforts and strong political commitment. The whole set is:
  - Preparing and enacting TRIPS compliance IP laws and regulations
  - Establishing of National IP System, including Office reform
  - Disseminating and cultivating public awareness on IPR
  - Capacity building and enhancing IP knowledge for enforcement agencies, including juridical reform.

