

workshop

Measures for accession to, and effective use of, the Madrid system

Country presentation, cambodia

Tokyo, March 8 and 9, 2012

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Introduction: IP Legislation of Cambodia

A- International Membership:

- 1- 13 October 2004 : Accession to the WTO (TRIPs)
- 2- 25 July 1995: World Intellectual Property Organization (WIPO)
- 3- 22 September 1998: Paris Convention

B- To be members of:

- 1- Madrid Protocol
- 2- PCT
- 3- The Hague Agreement

C- Enacted IP Legislations:

- 1- Law on Marks, Trade Names and Acts of Unfair Competition (07 February 2002)
 - 1-1- Prime Minister's Sub-decree on the Implementation of the Law on Marks (12 August 2006)

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- 2- Law on Patent, Certificate of Utility Model and Industrial Design (5 May 2003)
 - 3- Law on Copyright and Related rights (5 March 2003)
 - 4- Law on Seed Management and Breeder's Right (13 May 2008)

C- Draft Law and Regulations:

- 1- Law on Geographical Indications (2012)
- 2- Law on Layout Designs of Integrated Circuits (2013-2014)
- 3- Law on Compulsory Licensing for Public Health (2012-2013)
- 4- Law on Trade Secrets and Undisclosed Information (2013-2014)
- 5- Sub-decree on the Collective Management Organization (2012)



Accession to Madrid: Benefits

- Foreign investment
- Encourage local businesses (SMEs) to start venturing into other markets with their products: Brand protection abroad
- World and ASEAN going to Madrid
- Quality exam
- Easy filing: simple / 1 fee / 1 language
- Cost and time efficient
- LDC (least developed countries) get price reduction
- Increased number of TMs

Accession to Madrid: Challenges

- Amend law to comply: from single class to multi classes
- Local agent
- Human resources – experience, knowledge, numbers
- Infrastructure – upgrade space, Internet, IT equipment and upgrade systems – Madrid module (WIPO's IPAS)
- Training examination and administration
- Public awareness – public/business
- Limitations to Finance Law – renegotiate for flexibility

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Accession to Madrid: Steps

Model Road Map

I. Legal

- Expert review of current laws for identifying the adjustments needed → WIPO assistance required.

II. Examination

- Refusal procedures and period
- Speed – 3-6 months expectation
- Development of internal checklist (mandatory practice required by national) an manual

III. Administration

- Separate Madrid exam – experience, English, IT a long with efficient legal, operation and function support

IV. Systems

- IPAS – JAVA – Madrid module
- Electronic communications

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V. Training

- Examination
- Administration
- IT

VI. Awareness

- Consultations with stakeholders are needed and information and promotional materials to be developed and distributed.

VII. Resources

- Finance Autonomy
- IT
- HR

VIII. Fee structure

- The applicable fee should be defined (individual) and approved by the government

Good News for Cambodia

- Article 60 of the Law Concerning Marks, Trade Names and Acts of Unfair Competition stated that *“the provisions of any international treaties in respect of industrial property to which the Kingdom of Cambodia is a party shall apply to matters dealt with by this Law and, in case of conflict with provisions of this Law, shall prevail over the latter.”*
- Implementing provisions be incorporated in a separate chapter of Prime Minister’s *Sub-decree on the Implementation of the Law Concerning Marks, Trade Names and Acts of Unfair Competition of the Kingdom of Cambodia, No. 46, dated July 12, 2006.*



Thank you!