



Seminar
on
IP Services and Tools to Businesses
Introduction to the Department of Intellectual Property of
Cambodia
and its Roles and Responsibilities

Phnom Penh, 28 July 2021 (via Zoom platform)

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Ministry of Commerce



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I. History of Department of Int. Property (DIP)



- ➔ International Liaison and IP Office: 1991
- ➔ Intellectual Property Division: 22 September 1997 by Sub Decree No. 54
- ➔ 2 Offices: Trademark Registration and Administration & Dissemination Offices



➔ Department of Intellectual Property: 2008

■ There are 6 Bureaus:



1. Bureau of Marks Registration
2. Bureau of Post Marks Registration
3. Bureau of Litigations
4. Bureau of Administration & Dissemination
5. Bureau of GIs and Trade Secret
6. Bureau Cooperation & Legal Affairs



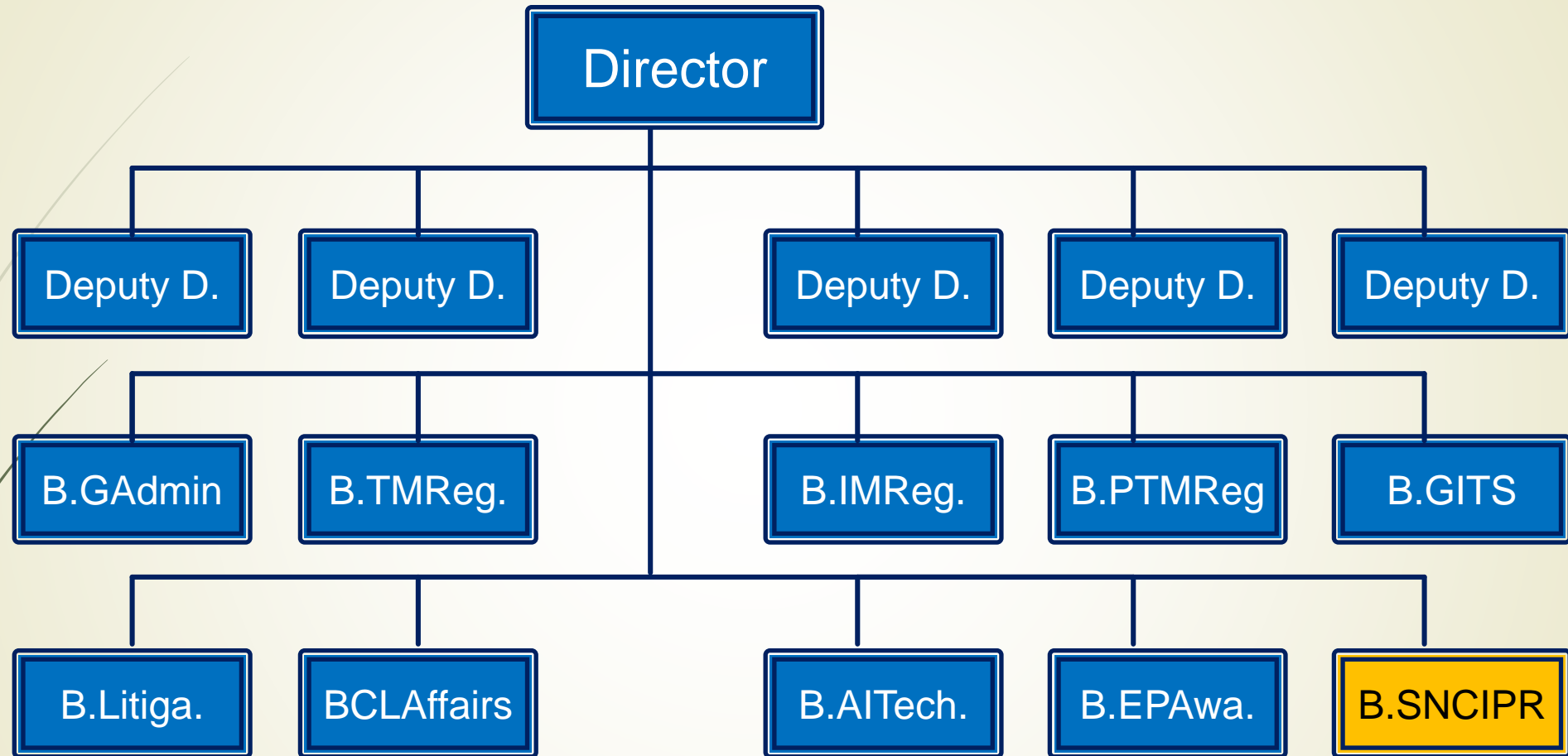
➔ Depart. of Intellectual Property: 24 July 2014

■ There're 9 Bureaus with 61 civil servants :

1. Bureau of Marks Registration
2. Bureau of Post Marks Registration
3. Bureau of Litigations
4. Bureau of General Administration
5. B. Geog. Indications and Trade Secret

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6. Bureau of Cooperation & Legal Affairs
 7. B. Automation and Information Technology
 8. Bureau of Education and Public Awareness
 9. Bureau of International Marks Registration
 10. Bureau of Secretariat of NCIPR



II. Structure of Department of IP






III. Role and Responsibilities of Depart. of IP








- ➔ To register, protect and to be responsible for Trademarks, Trade names, Acts of Unfair competition, International registration of Marks, Geographical Indications (GIs), Trade Secrete, Certification marks, Collective marks, Exclusive rights recordal, Trademark Renewal, Undisclosed information,



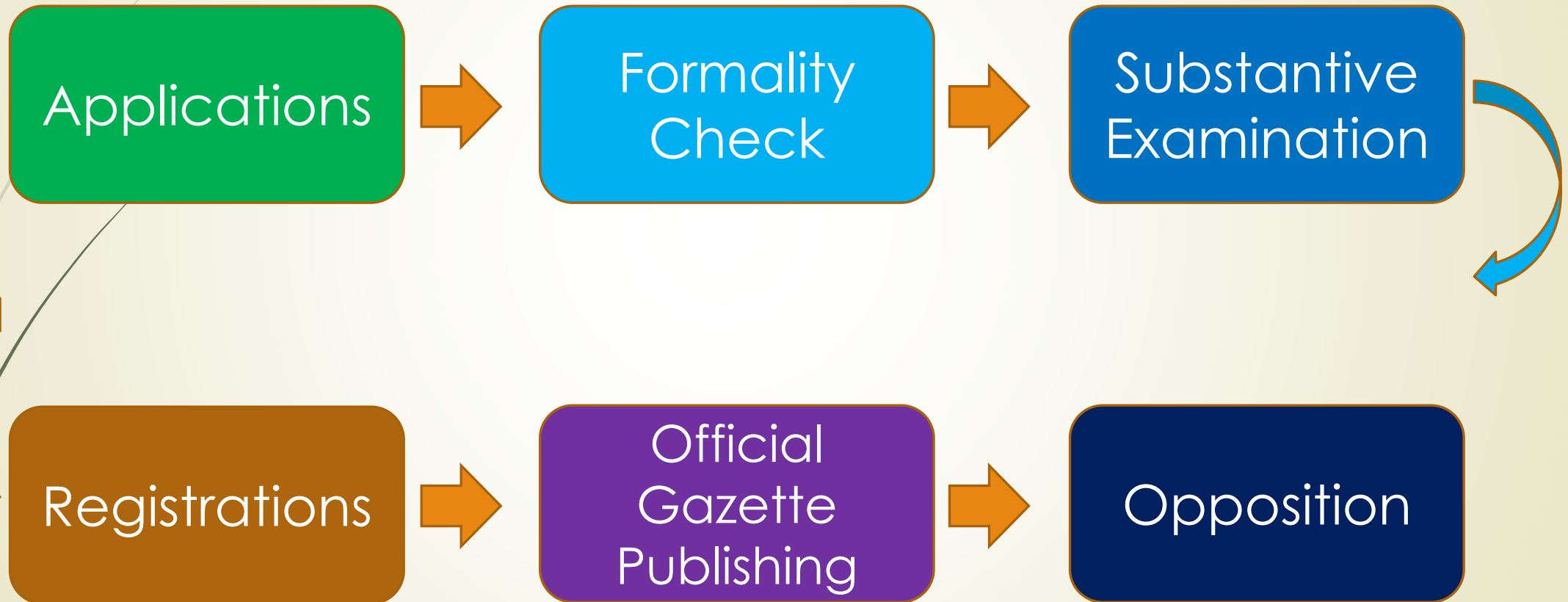
License and franchise, Change in ownership, Assignment, Affidavits of Use/Non-Use, Certificate duplicate, Certified true copies, Mergers, Administrative settlement of IP Litigations (Infringements and Acts of Unfair competition), IP evaluations, oppositions requests (applied and registered marks)...

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- ➔ To study and analyze the IP policies for Minister of Commerce and the Royal Government
 - ➔ To speed up the drafts of laws and its regulations in terms of IP fields
 - ➔ To cooperate with the international communities and organizations with regards to IP assistance
 - ➔ To be Secretariat of National Committee for IPR

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- To smoothly coordinate IP matters between Ministry of Commerce, MISTI, MCFA and other relevant ministries
 - To closely cooperate with the Enforcement bodies to prevent IP infringement and unfair competition
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- ➔ To promote dissemination, via other ways, of information to protect IP
 - ➔ To cooperate with the relevant ministries to push and preparing the IP laws
 - ➔ Shall endeavor to apply all obligations provided in the International agreements to which Cambodia is a party

IV. Trademark Registration flow chart



V- Statistics

A. Trademarks Registration

-1991 : 08
-1992 : 2270
-1993 : 1546
-1994 : 1469
-1995 : 1278
-1996 : 1779

-1997 : 1741
-1998 : 1147
-1999 : 1227
-2000 : 1593
-2001 : 1768
-2002 : 1361



- 2003 : 1819

- 2004 : 1855

- 2005 : 2105

- 2006 : 2421

- 2007 : 2300

- 2008 : 2333

- 2009 : 3023

- 2010 : 3047

- 2011 : 3671

- 2012 : 3720

- 2013 : 5853

- 2014 : 4554

- 2015 : 4199

- 2016 : 4697

- 2017 : 4710

- 2018 : 5454

- 2019 : 6172

- 2020 : 7996

- 2021 : 4315

International Marks Registration flow chart

1-

Applicant



Office of Origin

2-



WIPO

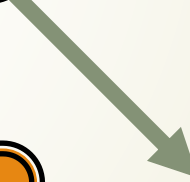
3-



Office of the Designated Contracting Party



Office of the Designated Contracting Party



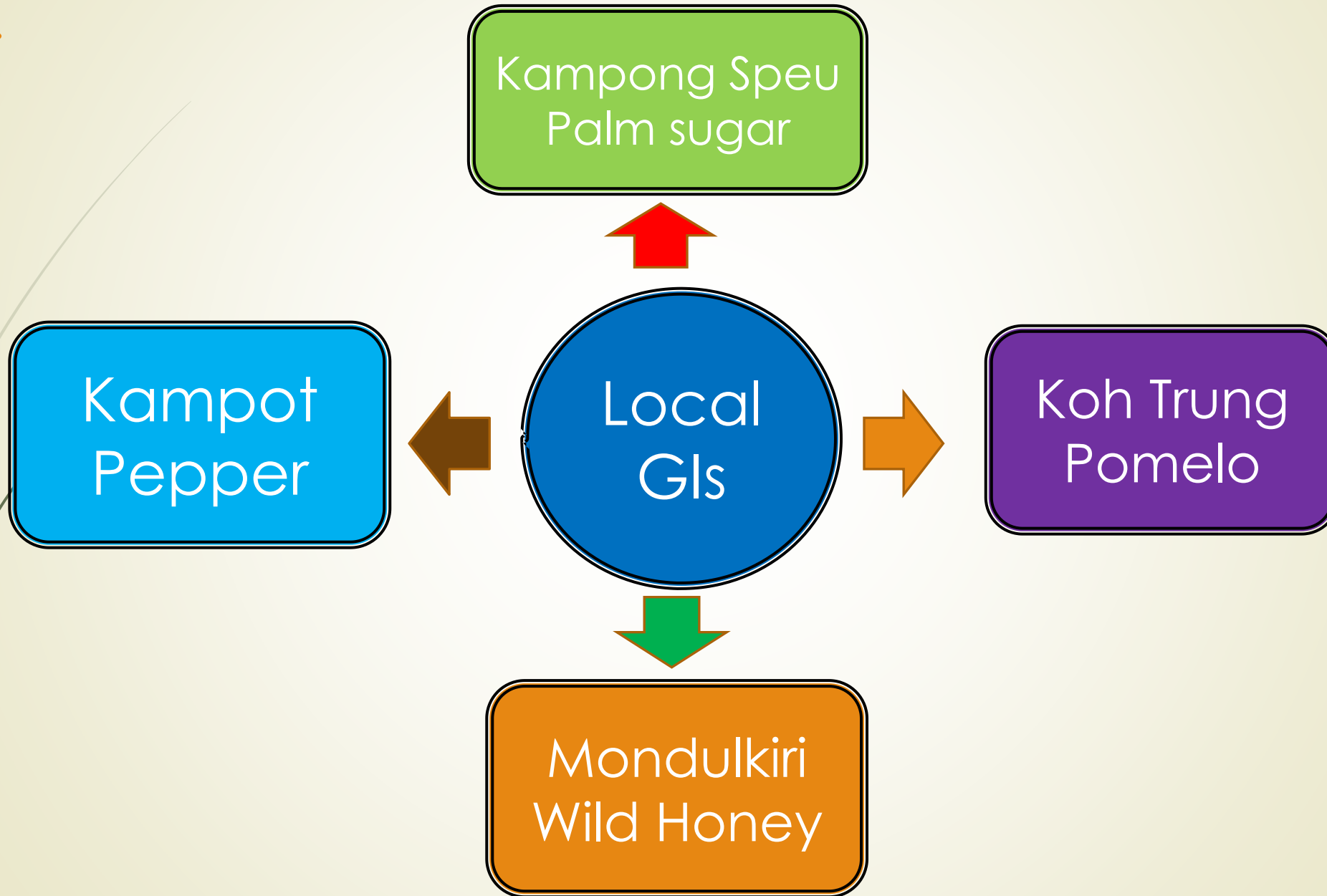
Office of the Designated Contracting Party

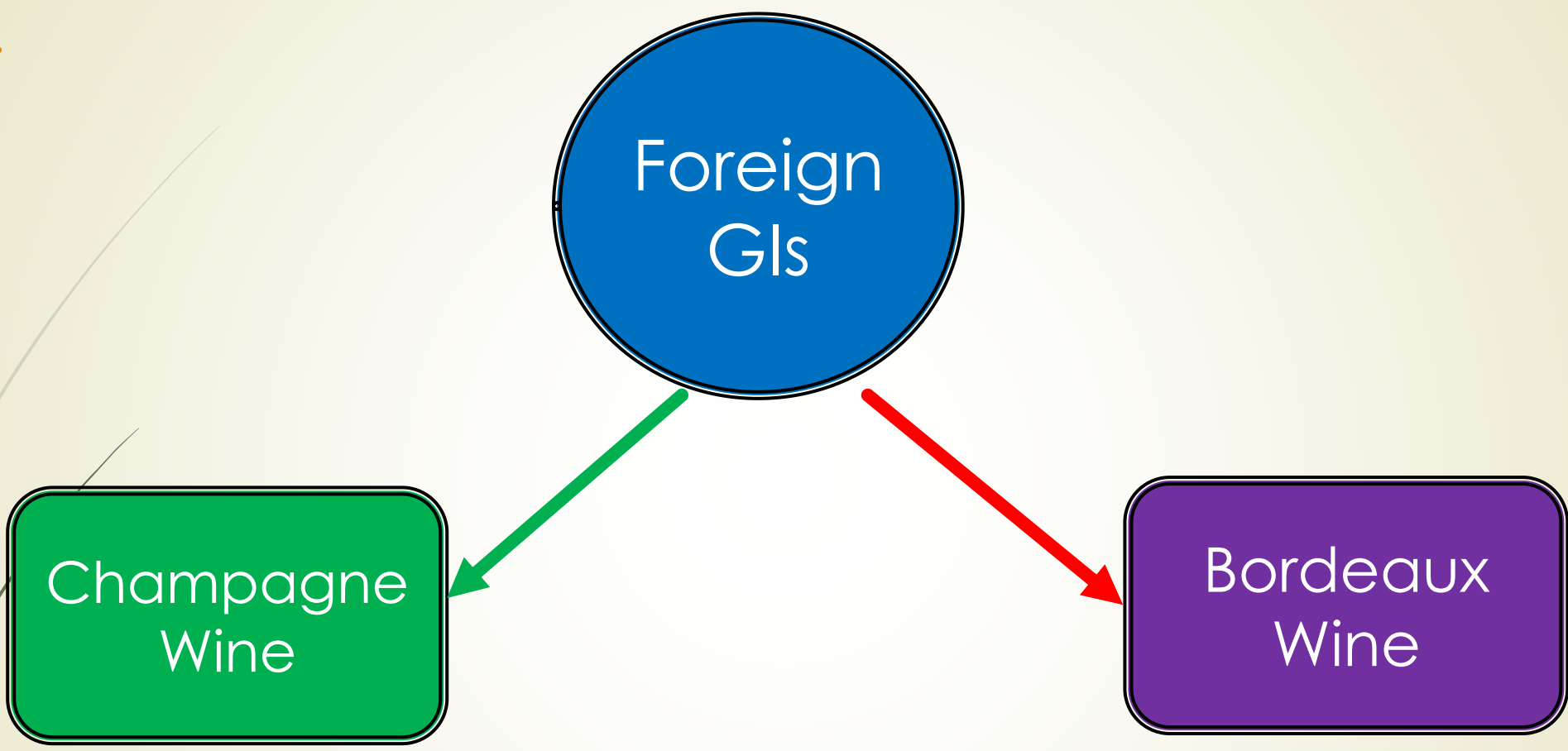
B- International Marks Registration

International Marks Registration Division Statistics

Year (1/Jan- 31/Dec)	Office of Origin (OO)		Designated Contracting Party (DCP)					
	International Application		Application		Registration		Renew	
	Mark	Class	Mark	Class	Mark	Class	Mark	Class
2015	0	0	513	933	39	67	0	0
2016	0	0	1590	3393	372	669	7	10
2017	0	0	2383	5398	866	1818	42	80
2018	5	6	2689	5709	1376	2979	42	76
2019	4	8	3460	7788	1902	4221	58	125
2020	9	10	2978	5382	2369	4142	11	16
TOTAL	18	24	13613	28603	6924	13896	160	307

C- Geographical Indications Registration





Champagne
Wine

Bordeaux
Wine

VI. National Committee for IPR (NCIPR)



A. History

➔ 22 Feb. 1999 : Committee supervising the 3 areas of IP by Decision No. 16

There are 3 Ministries :



1. Minister of Commerce: Chairman
2. Secretary of State of MIME : Vice chairman
3. Secretary of State of MCFA



➔ 18 Sep. 2008 : National Committee for IPR (NCIPR) was established by Sub-Decree No.142

■ There are 14 Ministries or institutions :

1. Minister of Commerce: Chairman
2. Secretary of State of MIME : Vice chairman
3. Secretary of State of MCFA : Vice chairman
4. Repre. of Office of the Council of Ministers
5. Representative of Ministry of Interior

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6. Repre. of Min. of Economy and Finance
 7. Representative of Ministry of Information
 8. Rep. of Min. of Post and Telecommunication
 9. Representative of Ministry of Health
 10. Repre. of M. of Agri., Forestry and Fisheries
 11. Representative of Ministry of Environment
 12. Representative of Ministry of Justice
 13. Repre. of M. of Education, Youth and Sports
 14. Representative of Ministry of Tourism

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15. Representative of Ministry of Foreign Affairs and International Cooperation
 16. Representative of Ministry of Labour and Vocational Training
 17. Representative of Min. of Land Management, Urban Planning and Construction
 18. Representative of Ministry of Women's Affairs

B. Role and Responsibilities of NCIPR

- ➔ To be focal point to coordinate the bilateral or multilateral cooperation on IP with other countries and International organizations
- ➔ To smoothly coordinate all affairs with regard to IP matters between the relevant ministries







To make a collaboration on speeding up the preparation of the draft laws and its regulations related to IP in order to apply the International agreements



To receive and utilize the technical assistances involving IP from the other countries and International organizations

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- To cooperate with the relevant ministries to disseminate the laws and its regulations, awareness pertaining to IP to the publics, enforcement officials and students in the educational institutions
 - To cooperate with the other competent authorities, courts, to prevent IP infringement



To cooperate to analyse the other International agreements in respect of IP to consider the benefits, strongness and weakness before submitting to the Royal Government for approval of accession



To cooperate with the other relevant competent authorities, courts to prevent IP infringement



To make the annual reports on its achievement to the Royal Government at least 1 time 1 year

VII. Enforcement Bodies

1- Depart. of IP of MoC

2- Depart. of Industrial Property
of MISTI

3- Depart. of Copyrights and R. Rights of MCFA

4- Counter Counterfeit Committee (CCC) of MoI

5- General Department of Consumer Protection,
Competition And Fraud Suppression of MoC





6- General Department of Customs and Excise

7- Department of Anti-Economic Crime Police

8- Committee for Suppression Copyrights

Infringement

9- National Commercial Arbitration Centre
(NCAC)


10- Courts

VIII. Legal Framework



A. Main IP Laws



- 1- Law Concerning Marks, Trade Names and Acts of Unfair Competition : 20 Feb. 2002
- 2- Law on the Patents, Utility Model Certificates and Industrial Designs : 22 January 2003
- 3- Law on Amendments to the Law on Patents, Utility Models and Industrial Designs : 22 November 2017

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- 4- Law on Copyright and Related Rights : 03
May 2003
 - 5- Law on Seed Management and Breeder's
Right: 13 May 2008
 - 6- Law on Geographical Indications : 20
January 2014
 - 7- Law on Trade Secrets and Undisclosed
Information (under draft stage)

B. IP-related Laws

- 1- Law on the Management of Pharmaceuticals : 17 June 1996
- 2- Law on the Management of Quality and Safety of Products and Services : 26 June 2000
- 3- Law on Compulsory Licensing for Public Health : 27 April 2018
- 4- Law on Customs : 25 July 2007





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- 5- Commercial Arbitration Law : 6 March 2006
 - 6- Law on the Protection of Cultural Heritage :
25 January 2006
 - 7- Law on Commercial Enterprises : 17 May
2005
 - 8- Code of Criminal Procedure : 20 Aug. 2007
 - 9- Code of Civil Procedure : 01 Sep. 2006

IX. Memberships of International Agreement



- 1- World Intellectual Property Organization (WIPO) : 25 July 1995
- 2- Paris Convention for the Protection of Industrial Property : 22 September 1998
- 3- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) : 13 Oct. 2004

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- 4- Trade Relations and Intellectual Property Rights Protection Agreement (CAM-USA) : 04 October 1996 and came into force : 25 October 1996
 - 5- MoU on IP Cooperation (CAM-THAI) : 05 March 1997
 - 6- ASEAN Framework Agreement on IP Cooperation : 30 April 1999

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- 6- Trade Investment Framework Agreement (TIFA) CAM-USA : August 2006
 - 7- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks : 05 June 2015
 - 8- MoU on Cooperation in the field of Trademarks and GIs (Cambodia-Lao) : 07 September 2016

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- 9- PCT (Patent Cooperation Treaty) : 08 Dec. 2016
 - 10- Hague Agreement Concerning International Registration of Industrial Designs : 25 Feb. 2017
 - 11-Joint Statement of Intent on Cooperation for Facilitating Patent Grant of Cambodia-Related Patent Application between MISTI and JPO : 04 May 2016



13- MoU on the Cooperation in Industrial Property between MISTI and IP Office of Singapore : 20 January 2015

14- Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) : 04 January 2011

15- Regional Comprehensive Economic Partnership (RCEP) : Signed on 15 Nov. 2020

X. Key Challenges



No Recordation system of IP



IP Public awareness



IP infrastructures



Capacity building of Enforcement officials



Cooperation with the right holders and relevant authorities





Some laws and its regulations



XI. Future plan

- ➔ To enhance dissemination of IP knowledge among Govt's officials, representatives from private sectors, universities and the publics
- ➔ To urge the drafts and prepare some more IP laws and its regulations
- ➔ Shall endeavor to make it easier for IP procedures
- ➔ To push to prepare Khmer IP documents



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- ➔ To continue considering Cambodia accession to some more IP International agreements
 - ➔ To continue making cooperation with **Enforcement** bodies and the relevant parties to prevent IP infringement
 - ➔ Shall endeavor to prepare the amendment of the existing IP laws in consistent with International agreements with regard to IP to which Cambodia is a member

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