

CAMBODIA

PATENTS, UTILITY MODELS, AND INDUSTRIAL DESIGNS

GENERAL NOTES

1. PATENT

Patentability

An invention is patentable if it is new, involves an inventive step and is industrially applicable.

Non-Patentable Inventions

- (1) Discoveries, scientific theories and mathematical methods.
- (2) Schemes, rules or methods for doing business, performing purely mental acts or playing games.
- (3) 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.
- (4) Pharmaceutical products as provided in Article 136 of this Law.
- (5) Plants and animals other than microorganisms, and essentially biological processes for the production of plants or animals.
- (6) Plant varieties.

Application

- (1) The name and address of the applicant.
- (2) The name and address of the inventor.
- (3) Specification including description, claims, abstract and any necessary drawings.
- (4) The filing date, number of application, and the country of any earlier application whose priority is claimed.
- (5) The International Patent Classification.
- (6) A notarized Power of Attorney appointing Tilleke & Gibbins International Ltd. as an agent (must be submitted within 2 months from the filing date).
- (7) A notarized Deed of Assignment from the inventor to the applicant (must be submitted within 3 months from the filing date).

Information Concerning Corresponding Foreign Application and Patent

- (1) At the request of Registrar, applicant shall provide the date and number of any application for a patent filed by him abroad relating to the same or essentially the same invention as that claimed in the application filed at the DIP.
- (2) Applicant shall, at the request of the Registrar, provide the following documents relating to one or more of the foreign applications:
 - a copy of any communication received by the applicant concerning the results of any search or examination carried out in respect of application;
 - a copy of the patent granted on the basis of the foreign application;
 - a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application.
- (3) Applicant shall, at the request of the Registrar, provide a copy of any final decision invalidating the patent granted on the basis of the foreign application.

Term of Protection

The duration of a patent for invention in Cambodia is 20 years from the official filing date in Cambodia. The annual fee has to be paid each year in order to maintain the patent.

Language

Application and other related documents should be in Khmer (national language of Cambodia). Application and related documents in English are acceptable at the time of filing, but applicant must submit the Khmer version within 6 months from the filing date.

2. UTILITY MODEL

A utility model must be new and industrially applicable, but there is no requirement for an inventive step. The filing requirements and prosecution procedures are basically the same as for patent.

Term of Protection

The term of protection of a Utility Model Certificate is 7 years from the filing date.

3. INDUSTRIAL DESIGN

An industrial design is patentable if it is new in that the design must not have been disclosed to the public anywhere in the world, by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

Application

- (1) The name and address of the applicant.
- (2) The name and address of the designer.
- (3) Drawings or photographs (may be accompanied by the specimen if the design is 2-dimensional).
- (4) The filing date, number of application, and the country of any earlier application whose priority is claimed.
- (5) The International Classification.
- (6) A notarized Power of Attorney appointing Tilleke & Gibbins International Ltd. as an agent (must be submitted within 2 months from the filing date).
- (7) A notarized Deed of Assignment from the inventor to the applicant (must be submitted within 3 months from the filing date).

Term of Protection

The registration of industrial design is valid for a period of 5 years from the filing date. The registration may be renewed for two further consecutive periods of 5 years. The maximum term of protection is 15 years.

POWER OF ATTORNEY

PATENT REGISTRATION

KNOW ALL MEN BY THESE PRESENTS that we _____
_____ of _____

_____ (Company Name)
_____ (Full Address)

do hereby nominate and appoint **TILLEKE & GIBBINS INTERNATIONAL LTD. and/or MRS. DARANI VACHANAVUTTIVONG and/or MS. THIPARAT BURANAPHAN and/or MS. SONTAYA SUNKAPONGSE of No. 1011, Supalai Grand Tower, 20th-26th Floors, Rama 3 Road, Chongnonsi Sub-District, Yannawa District, Bangkok 10120, Thailand**, to be our true and lawful attorney or attorneys for us and in our name:

To proceed on my(our) behalf to prosecute the application(s) for granting patent for my(our) patent(s), utility model certificate(s), industrial design(s) and with application for registration or renewal at the Industrial Property Office or other pertinent authorities in Cambodia of my(our) trademark(s), service mark(s), collective mark(s) or figurative mark(s); to assign or accept assignment of the same; to register any assignment, change of name and/or address in reference to the same; to apply for cancellation of any similar or conflicting patent, utility model certificate, industrial design and trademark, service mark, collective mark or figurative mark.

TILLEKE & GIBBINS INTERNATIONAL LTD. is authorized to prepare necessary papers and sign documents, to submit or withdraw any papers and documents, to translate documents and certify the translations, to pay prescribed fees and expenses, to apply for trial and to file appeals with the Industrial Property Office or other competent authorities in Cambodia, to amend documents as may be required, to appoint a substitute or substitutes for the performance of any or all of the aforesaid acts, and the same at pleasure to remove, and generally to carry out all activities necessary for the protection under the prevailing law and regulations with regard to the above.

AND we hereby confirm and ratify whatsoever our said attorney or attorneys, substitute or substitutes may lawfully do by virtue of these presents.

IN WITNESS WHEREOF we have hereunto set our hands this _____ day of _____, _____
in _____.

_____ (Grantor)

(Notarization by a notary public is required.)

DEED OF ASSIGNMENT

FOR PATENT/UTILITY MODEL CERTIFICATE (PETTY PATENT)

Date: _____

Title of Invention: _____

Assignor(s): _____

Assignee(s): _____

The Assignor(s) declare that I/we are the inventor(s) of the above-mentioned invention and for due consideration hereby assign the right to apply for and obtain patents/utility model certificates (petty patents) therefor in the Kingdom of Cambodia to the Assignee(s), and the Assignee(s) hereby accept such assignment.

In witness whereof, the Assignor(s) and Assignee(s) have signed their names below, effective on the date above.

ASSIGNOR(S): _____

ASSIGNEE(S): _____

DEED OF ASSIGNMENT

FOR INDUSTRIAL DESIGN

Date: _____

Title of Industrial Design: _____

Assignor(s): _____

Assignee(s): _____

The Assignor(s) declare that I/we are the inventor(s) of the above mentioned industrial design and for due consideration hereby assign the right to apply for and obtain registration of industrial design therefore in the Kingdom of Cambodia to the Assignee(s) and the Assignee(s) hereby accept such assignment.

In witness whereof, the Assignor(s) and Assignee(s) have signed their names below, effective on the date above.

ASSIGNOR(S): _____

ASSIGNEE(S): _____