

Kingdom of Cambodia
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Ministry of Industry and Handicraft

No.228 MIH / 2019

PRAKAS (DECLARATION)

**ON THE ACCELERATION OF PATENT GRANT IN CAMBODIA BASED ON
PATENT RECOGNITION PROGRAM OF A CAMBODIA-RELATED PATENT
APPLICATION WITH THE KOREAN INTELLECTUAL PROPERTY OFFICE**

Senior Minister, Minister of Industry and Handicraft

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Degree No. NS/RKT/0913/925 dated 06 September 2018 on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Kram No. NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of the Ministers;
- Having seen Royal Kram No. NS/RKM/1213/018 dated 09 December 2013 promulgating the Law on Establishment of the Ministry of Industry and Handicraft;
- Having seen Royal Kram No. NS/RKM/0103/005 dated 22 January 2003 promulgating the Law on Patents, Utility Model Certificates and Industrial Designs;
- Having seen Royal Kram No. NS/RKM/0103/005 dated 22 January 2003 promulgating the Law on Patents, Utility Model Certificates and Industrial Designs;
- Having seen Royal Kram No. NS/RKM/1117/016 dated 22 November 2017 promulgating the Law Amendment of the Articles 37, 38, 109 and 136 of the Law on Patents, Utility Model Certificates and Industrial Designs;
- Having seen the Sub-Decree No. 575 ANKR.BK dated 24 December 2013 on the Organization and Functioning of the Ministry of Industry and Handicraft;
- Having seen the Prakas No. 451 MIH/2014 dated 28 May 2014 on the Organization and Functioning of the Department of Industry Property;
- Having seen the Joint Prakas on the Public Service Fees and Transitional Fines of the Ministry of Industry and Handicraft and the Ministry of Economy and Finance and
- Referring to the necessity of the Ministry of Industry and Handicraft.

HEREBY DECIDES
SECTION I
GENERAL PROVISIONS

Article 1._

The objective of this declaration is to determine the procedures for acceleration of patent registration in Cambodia based on the recognition program of the Cambodia-related patent application with the Korean Intellectual Property Office in accordance Article 130 of the Law on Patents, Utility Model Certificates and Industrial Designs.

SECTION II
FACILITATING THE ACCELERATION OF PATENT GRANT

Article 2._

The acceleration of patent based on the recognition program of the Cambodia-related patent application with the Korean Intellectual Property Office shall be made with the Department of Industrial Property of the General Department of Industry of the Ministry of Industry and Handicraft.

Article 3._

The applicant shall request for acceleration of patent registration based on the recognition program only for the applications that have been filed with the Ministry of Industry and Handicraft using the search result report and examined by the Korean Intellectual Property Office.

Article 4._

The request for acceleration based on the recognition program shall be accepted only for the applications that have been filed with the Ministry of Industry and Handicraft which meet the following conditions:

1. A patent application validly claiming priority under the Paris Convention based on the corresponding KIPO patent application;
2. A patent application that serves as the basis for validly claiming priority under the Paris Convention for the corresponding KIPO patent application including a PCT patent application that entered the national phase; or
3. A patent application that is based on the same patent application for claiming priority under the Paris Convention, as the corresponding KIPO patent application including PCT patent application that entered the national phase.

Article 5._

The applicant shall use the request form as attached in Annex 1 and shall provide the following information:

- A. Title of invention
- B. Filing date
- C. Application number

- D. Applicant name
- E. Corresponding KIPO patent application, and
- F. The following documents
 - A copy of the patent gazette in the corresponding KIPO patent application, and its certification by KIPO;
 - Translation of claims and specification described in the patent gazette in English;
 - Translation of claims and specification described in the patent gazette in Khmer. The applicant shall provide the translation of the specification within one month from the date on which the request was filed;
 - Claims correspondence table.

Article 6._

The request for acceleration based on the recognition program shall be accepted only for the applications that have been filed with the Ministry of Industry and Handicraft which meet the following conditions:

1. There must be a Korean patent application which has an earliest filing date the same as the patent application filed with the Ministry of Industry and Handicraft;
2. There must be a corresponding KIPO patent application that has been granted by KIPO;
3. There must be claims in the patent application filed with the Ministry of Industry and Handicraft, which are the same as one or more claims in the corresponding KIPO patent application granted by KIPO.

Article 7._

The request for acceleration based on the recognition program of the Cambodia-related patent application with the Korean Intellectual Property Office is not subject to any additional fees.

**SECTION III
FINAL PROVISIONS**

Article 8._

Any provisions which is contrary to this Declaration shall be abrogated.

Article 9._

Chief of cabinet, general director, general inspector, director of institutions, director of the department of industry property, director of legal department and all units under the Ministry of Industry and Handicraft, director of the department of industry and handicraft of provincial-capital shall implement this Declaration from the date of signature.

Phnom Penh, dated 18 November 2019

Senior Minister

Minister of the Ministry of Industry and Handicraft

[Seal and Signature]

Cham Prasidh

CC:

- Cabinet of Samdach DekCho, Prime Minister
- Cabinet of Samdech Kralahom, Deputy Prime Minister
- Cabinet of H.E. Bin Chhin, Deputy Prime Minister in Charge of the Office
- Council of Ministers
- Ministry of Economy and Finance
- All ministries and concerned institutions
- Municipality- provincial
- As the Article 9
- Document - Achieve