

Kingdom of Cambodia
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Ministry of Industry, Science, Technology and Innovation

No.079 MISTI / 2021

PRAKAS (DECLARATION)

**ON THE ACCELERATION OF PATENT GRANT IN CAMBODIA UNDER THE
COOPERATION ON THE CAMBODIA- RELATED PATENT APPLICATION WITH
THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Senior Minister, Minister of Industry, Science, Technology and Innovation

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Degree No. NS/RKT/0918/925 dated 06 September 2018 on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Degree No. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Modification of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Kram No. NS/RKM/0618 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/0320/009 dated 26 March 2020 promulgating the Law on Establishment of the Ministry of Industry, Science, Technology and Innovation;
- 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. 48 ANKR.BK dated 6 April 2020 on the Organization and Functioning of the Ministry of Industry, Science, Technology and Innovation;
- Referring to the necessity of the Ministry of Industry, Science, Technology and Innovation.

HEREBY DECIDES
SECTION I
GENERAL PROVISIONS

Article 1._

The objective of this declaration is to determine the procedures for acceleration of patent grant in Cambodia under the cooperation on the Cambodia-related patent application with the United States Patent and Trademark Office in accordance to the Law on Patents, Utility Model Certificates and Industrial Designs and Law on Amendment of the Article 37, 38, 109 and 136 of the Law on Patents, Utility Model Certificates and Industrial Designs.

SECTION II
THE ACCELERATION OF PATENT GRANT

Article 2._

The acceleration of patent under the cooperation on the Cambodia-related patent application with the United States of Patent and Trademark Office shall be made with the Department of Industrial Property of the General Department of Industry of the Ministry of Industry, Science, Technology and Innovation.

Article 3._

The applicant shall request for acceleration only for the applications that have been filed with the Ministry of Industry, Science, Technology and Innovation using the search result report and examined by the United States of Patent and Trademark Office.

Article 4._

The request for acceleration shall be accepted only for the applications that have been filed with the Ministry of Industry, Science, Technology and Innovation which meet the following conditions:

1. A patent application validly claiming priority under the Paris Convention based on the corresponding United States patent application;
2. A patent application that serves as the basis for validly claiming priority under the Paris Convention for the corresponding United States 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 United States 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 United States patent application, and
- F. The following documents
 - A copy of the patent gazette in the corresponding United States patent application, and its certification by the United States Patent and Trademark Office;
 - Translation of claims and specification described in the patent gazette in Khmer. The applicant shall provide the translation of the specification within six months from the date on which the request was filed;
 - Claims correspondence table.

Article 6._

The request for acceleration shall be accepted only for the applications that have been filed with the Ministry of Industry, Science, Technology and Innovation which meet the following conditions:

1. There must be a United States patent application which has an earliest filing date the same as the patent application filed with the Ministry of Industry, Science, Technology and Innovation;
2. There must be a corresponding United States patent application that has been granted by the United States Patent and Trademark Office;
3. There must be claims in the patent application filed with the Ministry of Industry, Science, Technology and Innovation, which are the same as one or more claims in the corresponding United States patent application granted by the United States Patent and Trademark Office.

Article 7._

The request for acceleration of patent grant under the cooperation on the Cambodia-related patent application with the United States Patent and Trademark 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 the department of industry property, director of legal department and all units under the Ministry of Industry, Science, Technology and Innovation, director of the department of industry, science, technology and innovation of provincial-capital shall implement this Declaration from the date of signature.

Phnom Penh, dated 29 March 2021

Senior Minister

Minister of the Ministry of Industry, Science, Technology and Innovation

[Seal and Signature]

Cham Prasidh

CC:

- Cabinet of Samdach DekCho, Prime Minister
- Cabinet of Samdech Kralahom, Deputy Prime Minister
- Council of Ministers
- Ministry of Economy and Finance
- All ministries and concerned institutions
- Municipality- provincial
- As the Article 14
- Document - Achieve