

# KINGDOM OF CAMBODIA

## National Religion King

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### Ministry of Commerce

No. 368/PRK/MoC

December 15, 1997

### Prakas

### on Procedures of the Intellectual Property Department

#### THE MINISTER OF COMMERCE

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret of November 1, 1993 on the Formation of the Royal Government of Cambodia;
- Having seen Reach Kret No. 0897/147 of August 7, 1997 on the Reorganization of the composition of the Royal Government;
- Referring to Reach Kram No 0196/16 of January 24, 1996 promulgating the Law on the Establishment of the Ministry of Commerce;
- Referring to Anukret No 54/ANK of September 22, 1997 on the Organization and the Functioning of the Ministry of Commerce; and
- Pursuant to the important request of the Intellectual Property Department.

#### IT IS HEREBY DECIDED

**Article 1:** To mandate the Intellectual Property Department to carry out its roles and responsibilities as provided by the State to register and grant certificates of trademarks and service marks to domestic and foreign applicants and resolve all problems arising from such registration.

**Article 2:** The Intellectual Property Department shall cooperate with other competent institutions concerned to ensure effective protection of registered trademarks in order to instill local or foreign registrants' confidence.

**Article 3:** The duration of trademark protection is limited to a period of ten years and may be renewed for consecutive periods of ten years. The owners of trademarks or service marks or their representatives

should report to the Department the use or non-use of their trademarks or service marks every 5 years. In the absence of any report, those marks shall be removed from the registry.

**Article 4:** Local or foreign registrants intending to apply for registration of their trademarks or service marks in the Kingdom of Cambodia shall submit to the Department the following documents:

Application for registration

Power of Attorney certified by a lawyer or Notary Public

15 specimens of the mark.

**Article 5:** The issuance of the official Acknowledgement and Registration Certificate of trademark or service marks to local and foreign registrants shall be made only after a substantive examination of the complete application and authentication of the documents required by the Department.

**Article 6:** The Ministry of Commerce shall have the right to reject outright registration applications considered frivolous, or to remove from the registry those registered trademarks or service marks that meet the following conditions:

- they are likely to mislead the public;
- they are used in public domain;
- they show the characteristics of goods or services to which they relate, such as type, quality, quantity, etc.;
- They consist of shapes of goods or forms imposed of goods;
- They are contrary to morality, public order, customs, or laws;
- They are submitted for registration without the owner's permission;
- They are substantially identical to a validly registered trademark or service mark.

**Article 7:** Any person who counterfeits or attempts to register a trademark or service mark for illegal use shall be punished under applicable laws of the Kingdom of Cambodia.

**Article 8:** This Prakas shall enter into force from the date of its signature.

Minister of Commerce

**Cham Prasidh**