



How to Register Trademark in Cambodia

15 August 2014

SIM Sokheng

Deputy Director of Department of Intellectual Property Rights
Ministry of Commerce

1. Legislation

- **Law** on Mark, Trade Name, and Act of Unfair Competition on 07 February 2002.
- **Prime Minister's Sub-Decree** on the Implementation of the Law on Mark, Trade Name, and Act of Unfair Competition on 12 July 2006.
- **Ministerial Declaration** on Legal IP Attorney on 01 February 2011.
- **Draft Ministerial Declaration** on Trademark Procedure/Guideline.

2. International Cooperation

1. World Intellectual Property Organization in 1995
2. Paris Convention for Protection of IP in 1998
3. ASEAN Framework Agreement on IP Cooperation in 1999 → ASEAN Working Group/
3 times per year
4. WTO/Trade-Related Aspects of IP Rights (TRIPS) 2004
5. ASEAN-Australia NZ FTA (IP Chapter) in 2010
6. ASEAN-China IP Cooperation in 2009
7. ASEAN-Japan IP Cooperation in 2012

8. ASEAN-EU IP Cooperation in 2014
(Cambodia)
9. Regional Comprehensive Economic Partnership (ASEAN+6) on negotiation (IP Chapter)
10. Cambodia-US on Trade Relations and IPR Protection in 1996
11. Cambodia-Thailand on IP Cooperation in 1997
12. Cambodia-China on IP Cooperation in 2011
13. To be member of Madrid Protocol
14. Using Nice Classification

3. Statistics (Trademark)

5,223 Japanese Trademark in Cambodia

Applicant	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Resident	298	408	464	530	544	578	806	840	806	906	885
Non-resident	1,556	1,669	1,912	2,035	2,322	2,521	2,271	3,129	3,653	4,234	5,099
Total	1,854	2,077	2,376	2,565	2,866	3,099	3,077	3,969	4,459	5,140	5,984
Japan	156	182	161	126	127	217	140	398	386	664	743

4. www.cambodiaip.gov.kh



KINGDOM OF CAMBODIA
Department of Intellectual Property, Ministry of Commerce

MINISTRY OF COMMERCE

ភាសាខ្មែរ | English



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ឯកឧត្តមទេសរដ្ឋមន្ត្រី ស៊ុន ចាន់ថុល អញ្ជើញជាអធិបតី ក្នុងពិធីប្រកាសទទួលស្គាល់ភ្នាក់ងារ តំណាងស្របច្បាប់នៃម្ចាស់ម៉ាក ក្នុងព្រះរាជាណាចក្រកម្ពុជា

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Seminars & Conferences

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ASEAN 600 Million people/2.5 million TM

- Department of Intellectual Property Rights

www.cambodiaip.gov.kh/SearchMark.aspx

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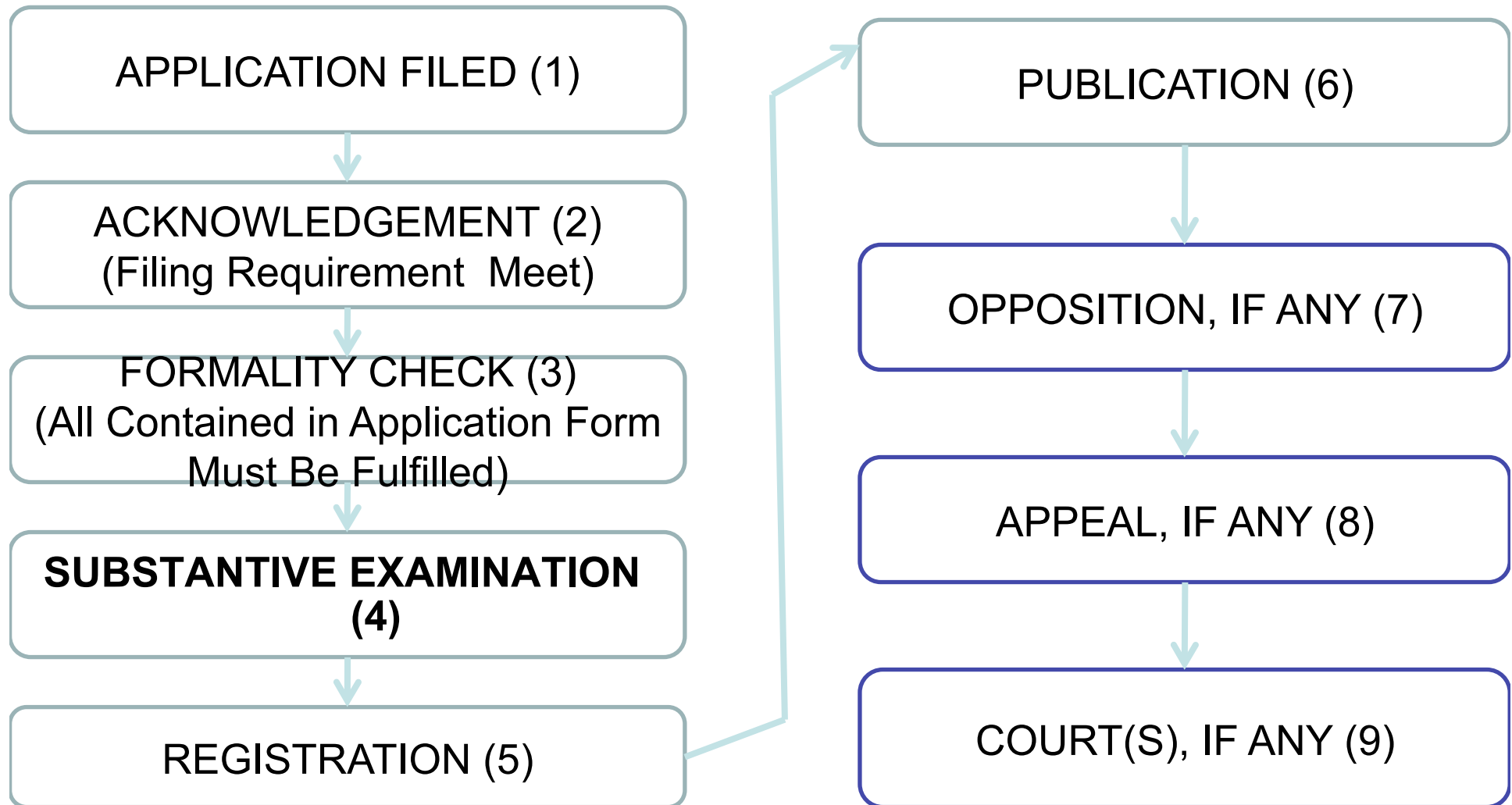
TM Name	IP Office	TM Number	TM Status	Class(es)	Applicant Name	Application Date	TM Type	Representation
3D COCA-COL...	LA	13970	R	32	THE COCA-CO...	2006-01-23	Combined	
3D PET COCA-...	KH	KH/T/2005/24114	A	32	The Coca-Cola ...	2005-12-01	Combined	

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5. Flow of Mark Registration Process

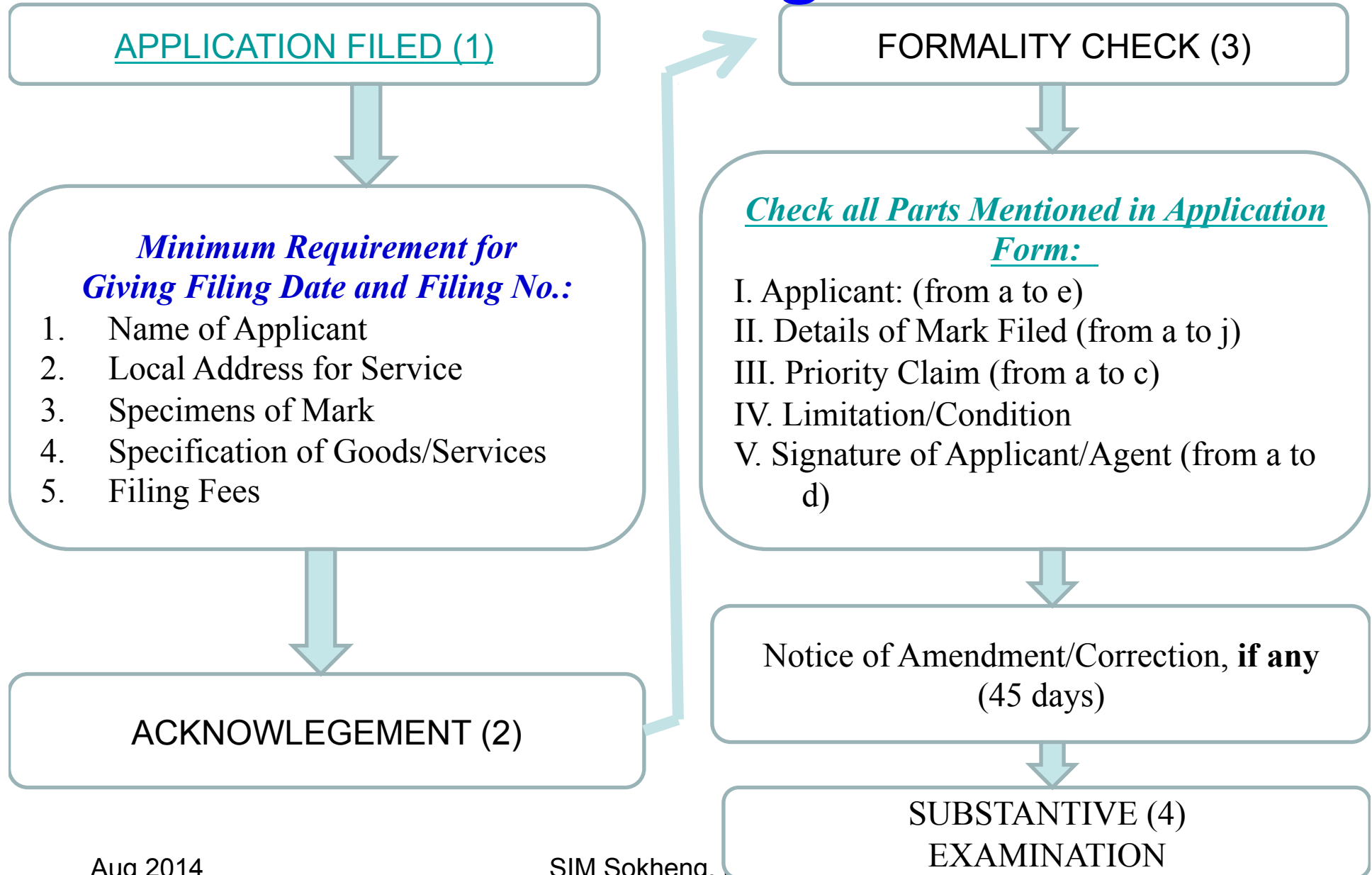
4-6 Months for Registration



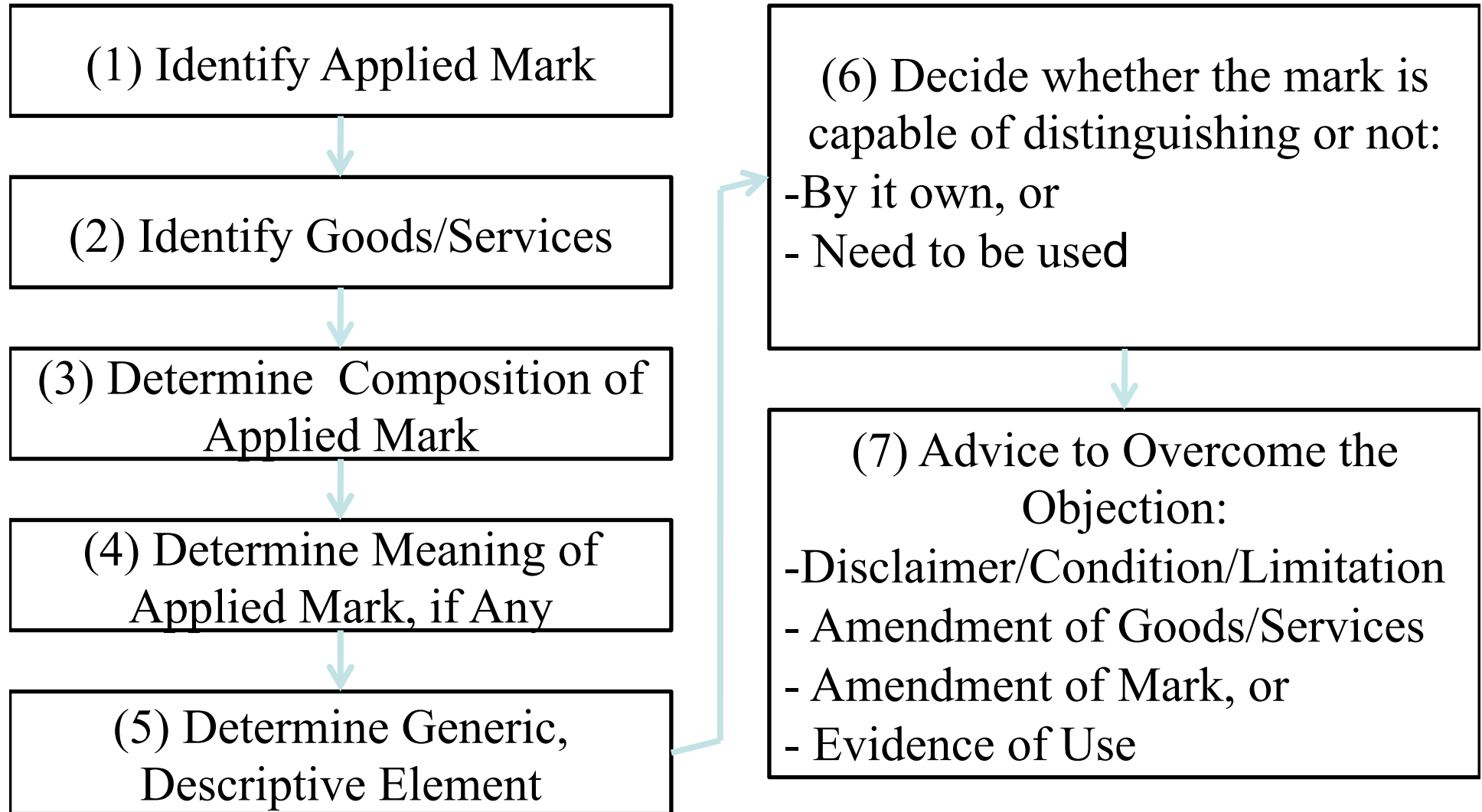
6. Minimum Filing Requirement

- To allocate a filing date and an application number, the *following minimum requirements must be met* at the time of filing an application:
 - ❖ 1)-The name of the applicant;
 - ❖ 2)- An address to which communications can be directed, including local address for service
 - ❖ 3)- A reproduction of the mark;
 - ❖ 4)- A Specification of goods or services;
 - ❖ 5)- The required filing fee

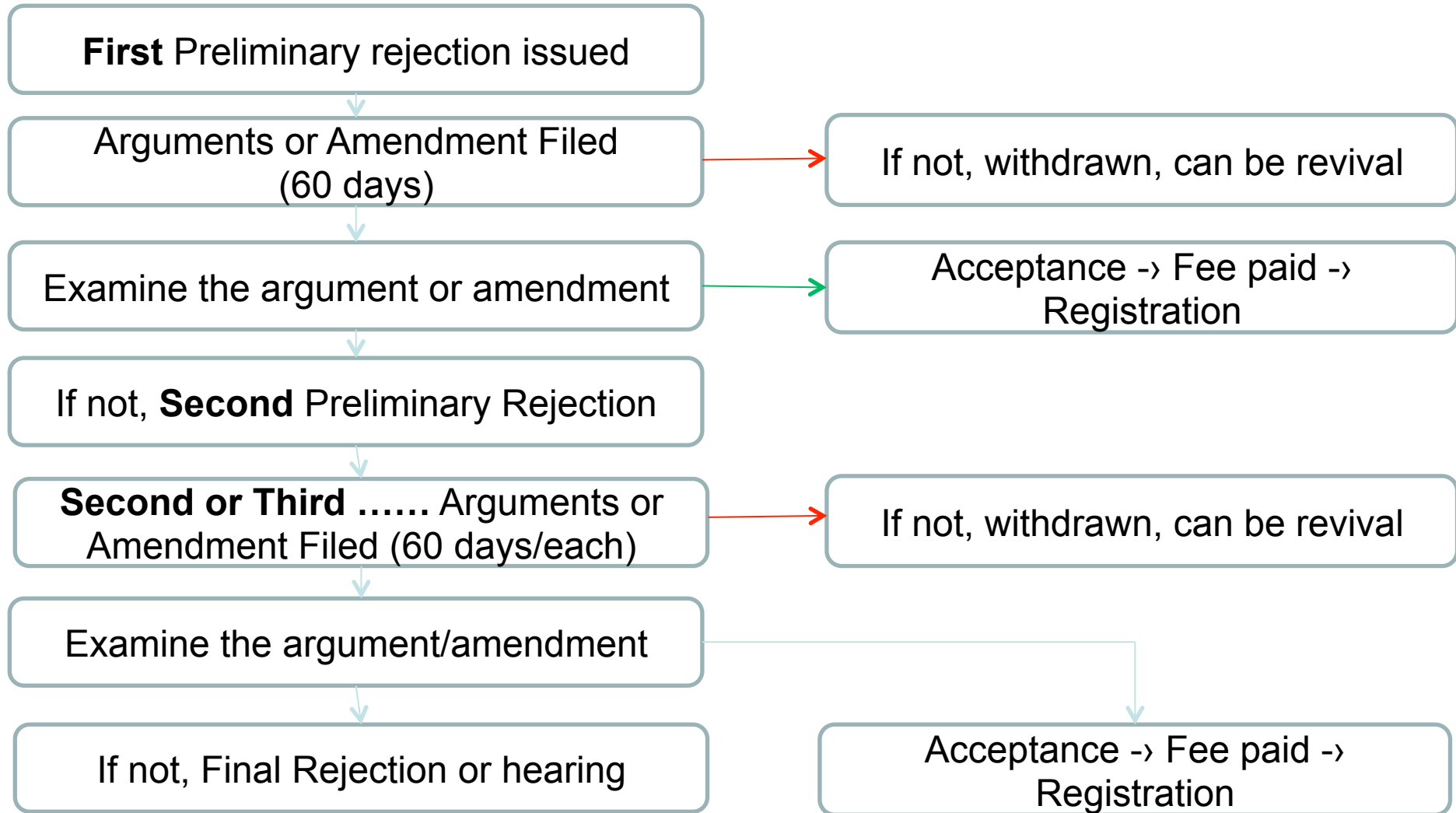
7. Initial Processing



8. Examination Procedure Under Art. 4 (a)



9. Process for Overcoming Objection



10. Applicant and Application Form

- The applicant is person who *claims to be the owner of the mark*. That person must:
 - ❖ *Use or intend to use the mark in Cambodia*, or
 - ❖ *Authorise or intend to authorise its use in Cambodia*, or
 - ❖ *Intend to assign* the mark to person that is about to be constituted who will use the mark in Cambodia.

Details of Applicant

(a): Name:

- Individual: Full name including family name
- Partnership: two or more “persons” using the mark under the provisions of Rule 6:
 - ❖ Must give names of each of the partners (individuals or corporate bodies) and each of addresses

(b): Address:

- Full address including name of country. An address is required for every applicant. This can be an address either within the Kingdom of Cambodia or outside the Kingdom of Cambodia.

(c): Nationality or Citizenship/Country of Incorporation: eg. China

(d): Name of Legal Agent and Address for Service:

- The address for service is an address in the Kingdom of Cambodia, to which all correspondence and notices must be sent.
- Email address and telephone number of legal agent must be included.
- When the applicant domiciled in Cambodia does not wish to use legal agent, the same address in (b) is stated.

(e): Local Agent Registration No.: When applicable

Kingdom of Cambodia
Nation - Religion - King

To: Intellectual Property Department
Ministry of Commerce

Form: 001- APP/Eng/2011
CAMBODIA

APPLICATION FOR MARK REGISTRATION

(FOR OFFICIAL USE ONLY)

Mark Application Number:

Date of Filing:

PART I : APPLICANT

- (a) Name: Manchester United Limited
Sir Matt Busby Way, Old Trafford, Manchester M16 0RA
- (b) Address: _____
England.
_____ Country England.
- (c) Nationality or Citizenship/Country of Incorporation: _____
- (d) Name of Local Agent and Address for Service: KIMLY IP SERVICE
Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack,
Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia.

(855-23) 6363975
kimlyip@ezecom.com.kh , Fax: _____ , Email: _____
- (e) Local Agent Registration No. (when applicable) _____

Specimen of Mark

- Must be durable graphic reproduction of the mark
- Size: not more than 8 cm by 8 cm
- Quantity: 15 additional reproductions (specimens)
- The specimens must clearly show all features of the mark to be protected, and
- Must be able to be clearly reproduced.
- 9th edition of Nice Classification is applied at this moment.

PART II: DETAILS OF MARK APPLICATION

NOTE: 15 specimens of the mark must be attached to this application.



(a) Name of Mark (if any): Manchester United and Device

(b) Description of Mark(s) (for figurative elements):

(c) Class(es) No. 36

(d) Details of Specification of Goods/ Services (Class heading is NOT accepted):

Insurance; financial affairs; monetary affairs; real estate affairs; provision of financial services; credit card services; charitable fund raising services;

(e) If the mark is a combination of colours or coloured mark, please indicate the colours of the mark with colour codes.

- (g)- 3D Mark:** Tick the box, if the mark is three dimensional sign
- (h)- 3D Shape as Mark:** if the shape/packaging as a feature of the mark is claimed, the claimed particular feature in word must be given.
- (i)- Mark consists of word(s):** Derivation of the word(s) and whether it is invented or not must be given.
- (j)- Mark consists of non-English word(s):** Its or their transliteration(s) and meaning(s) must be given

(f) If the mark consists of figurative element(s), please give a description of the figurative element(s) below:

Vienna Codes

Description

3 1 1

Lions

26 4 11

Quadrilaterals containing one or more triangles or lines

26 4 16

Quadrilaterals containing other figurative elements

(g) Is the mark two or three-dimensional? Yes No

(h) If 2 or 3-dimensional shape, aspect of packaging or colour as a feature of the mark is claimed for protection, please provide a description of your claim to the particular feature in words:

(i) If the mark contains or consists of word(s), please provide the derivation of the word(s) and state whether it is invented or not:

Manchester United is the name of the football team in England.

(j) If the mark contains or consists of non-English word(s) please provide the following details:

Language	Word	Transliteration	Meaning
English	Manchester	Man-ches-ster	Name of City in England.
Aug 2014	United	SIM Sokheng, DIP/MoC Unit-ted	to join, combine

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PART III: PRIORITY CLAIMED

- (a) Office of Priority Filing: OHIM
- (b) Priority Filing Date: 05/10/2011 (dd/mm/yy)
- (c) Application Number, and Country 78493103, England.

*A certified copy of the priority documents must be attached

PART IV: LIMITATIONS OR CONDITIONS

Insert below any conditions, disclaimers or other limitations to which the registration will be subjected.

PART V: SIGNATURE OF THE APPLICANT OR HIS REPRESENTATIVE

Note: If this portion is signed by a local agent on behalf of the applicant, the notarised Power of Attorney or/and Deed of Substitution must be attached.

- (a) Signature: _____
- (b) Name of Signatory: Ms. Chea Sokmean
- (c) Title: Secretary
- (d) Date: SIM Sokheng, DIP/MoC



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11. Provisional Measure/Injunction (Art. 29)

- Court shall *order prompt and effective* provisional measures *to prevent*:
 - ❖ an infringement,
 - ❖ an imminent infringement, or
 - ❖ to preserve relevant evidence in regard to the alleged infringement.

Order without Hearing (Art. 30)

- The Court may order a provisional measure *without giving the other party an opportunity to be heard* provided:
 - ❖ (1) the Court deems the *circumstances are appropriate*, and in particular when any delay is likely *to cause irreparable harm* to the right holder or a risk that *evidence will be destroyed* can be demonstrated, and

12. Border Measures

- The border measures is intended to be a means by which the Registry (DIP), the Customs, and CamControl authorities *can liaise and cooperate in the enforcement of marks* that are crossing the border of the Kingdom of Cambodia.
- International companies will *welcome a strong customs enforcement of marks* crossing the border.

13. Infringement of Registered Mark

- *Use of the trademark by any person other than the owner of the mark, without the authority of the owner can amount to infringement.* A person infringes a registered mark if the person uses as a mark a sign that is *substantially identical with, or confusingly similar to*, the mark in relation *to goods or services* in respect of which the trademark is registered (TM Law Art. 24).

14. Penalties

- Decisions of Ministry can be reviewed by Court(s) (Art. 62).
- Imprisonment from **one to six months** or fine of not more than 5 (five) million riels or both for **false documents** (Art.63).
- Imprisonment from **1 (one) to 5 (five)** years or fine of from 1 (one) to 20 (twenty) million riels or both for **infringement acts** (Art.64).
- **Counterfeit goods** shall be confiscated and/or destroyed, whether or not anyone has been convicted of the offence (Art.69).



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