

Trademark Protection in Cambodia

GENERAL

Cambodia is a member of the World Intellectual Property Organization (WIPO) since July 1995 and of the Paris Convention for Protection of Industrial Property since September 1998.

Regarding the IPR matters, Cambodia has issued the following legal documents:

- Law concerning Marks, Trade Name and Acts of Unfair Competition dated January 8, 2002;
- Law on Patents, Utility Model Certificates and Industrial Designs, in force since January 2003;
- Law on Copyright and Related Right, in force since March 2003.

Trademark and other subjects of industrial property, such as patent, industrial design, utility solution, etc. now can be filed and protected in the country. Cambodia has adopted the “first to file” system of registration.

I. TRADEMARK REGISTRATION PROCEDURES

Cambodia adopts the International Classification of Goods and Services under the Nice Agreement (8th Edition). Trademark, services mark and collective mark are registrable in Cambodia, however each trademark application can be applied for one mark in one class of goods/services only. Priority right can be claimed in accordance with the Paris Convention.

Formality and substantive examination shall be conducted for all trademark applications filed in Cambodia. The substantive examination is conducted to identify any prior registered mark which are identical with or similar to the claimed mark. Certificate of Trademark Registration is usually granted within 6-8 months from the filing date.

1. DOCUMENTS REQUIRED FOR FILING

To file a trademark application in Cambodia, the following information and documents are required:

- (i) Full name and address of the applicant;
- (ii) Trademark specimens (20 specimens) with the size not larger than 80mm x 80 mm and not smaller 50mm x 50mm;
- (iii) Translation and transliteration of the mark if the mark is not in English;
- (iv) Vienna Code of the device of the mark (if known);
- (v) A list of goods/services and the International Classification of respective goods/services (if known). From January 1, 2007, class heading is not accepted by the Cambodian IPD. The applied goods/services should be specified;
- (vi) Priority data for claiming priority right under the Paris Convention (if any), including application number, priority date, country. Original certified copy of the priority application and the English translation can be lodged later, after filing; and
- (vii) A notarized Power of Attorney from the applicant which is described in Section 7 hereunder. Power of Attorney should be notarized by a Notary Public in any country, while legalization is not required. One Power of Attorney can be used for plurality if no particular mark is identified in the Power of Attorney. A fax copy is acceptable at filing provided that the original is submitted later.

2. REGISTRATION COSTS

The total cost for registration of a trademark in Cambodia, including official charges and attorney fees, communication cost and V.A.T. is about US\$320-330.

3. PROTECTION TERM AND RENEWAL

The term of protection of trademark in Cambodia is 10 years from the date of filing (or from the priority date, if any). The registered mark is renewable for unlimited times, each of 10 years.

The trademark owner shall be obliged to use the trademark in Cambodia. At the end of each period of 5 years from the date of registration, an Affidavit of Use, in case that the mark has been used in Cambodia, or an

Affidavit of Non-Use, if the mark has not been used in Cambodia, is required to be lodged with the Cambodian Trademark Office. If no Affidavit of Use/Non-Use is lodged, the trademark cancellation will be vulnerable to cancellation at a third party's request.

II. RENEWAL

1. DOCUMENT REQUIRED FOR RENEWAL

- (i) Original notarized Power of Attorney;
- (ii) Photocopy of original Certificate of Trademark Registration;
- (iii) 15 samples of trademark;

Note If affidavit of use/non-use has not been endorsed, this procedure is required upon filing renewal.

2. RENEWAL COST

The total cost for renewal is of a trademark registration in Cambodia (for 1 mark in 1 class), including official charges and attorney fees, communication cost and V.A.T is about US\$320-330.

3. TIME INVOLVED

In practice, the time involved for completing of recordal of renewal is about 5-7 months from the filing date in Cambodia.

III. FILING AFFIDAVIT OF USE/ NON-USE

1. DOCUMENT REQUIRED FOR FILING

- (i) Original Certificate of Trademark Registration;
- (ii) Original signed Affidavit of Use/Non-Use;
- (iii) Evidence of use of the mark in Cambodia if the client wishes to file affidavit of use (such as bill of lading, packages, advertising and/or promoting materials, brochures, photographs, etc.).

2. COST FOR FILING AFFIDAVIT

The total cost for filing affidavit of use/non-use of one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$140-150.

3. *TIME INVOLVED*

The time involved for completing endorsement is about 4-5 months from the filing date.

IV. *RECORDAL OF CHANGE OF NAME/ADDRESS*

1. *DOCUMENTS REQUIRED*

- (i) Original notarized Power of Attorney;
- (ii) Original notarized Declaration of Change of Name/Address or legal documents showing the change of name/address;
- (iii) Original Certificate of Trademark Registration.

2. *COST FOR RECORDAL OF CHANGE OF ADDRESS*

The total cost for recordal of change of name/address for one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$130-140.

3. *TIME INVOLVED*

The time involved for completing of recordal of change of name/address is 3-4 months from the filing date.

V. *RECORDAL OF ASSIGNMENT*

1. *DOCUMENTS REQUIRED:*

- (i) Original notarized Power of Attorney;
- (ii) Original notarized /certified copy of the Assignment Agreement;
- (iii) Original Certificate of Trademark Registration.

2. *COST FOR ASSIGNMENT*

The cost for recordal of assignment for one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$130-140.

3. *TIME INVOLVED*

The time involved for completing of recordal of assignment is 3-4 months

from the filing date.

VI. RECORDAL OF LICENSE

1. DOCUMENTS REQUIRED

- (i) Original notarized Power of Attorney;
- (ii) Original notarized/certified copy of the License Agreement;
- (iii) Photocopy of Certificate of Trademark Registration.

2. COST FOR RECORDAL OF LICENSE

The cost for recordal of assignment for one trademark registration, including official charges and attorney fees, communication cost and V.A.T is about US\$200-210.

3. TIME INVOLVED

The time involved for completing of recordal of trademark license agreement is 6-8 months from the filing date in Cambodia.