



TRADEMARK FILING REQUIREMENTS

# CAMBODIA



OCTOBER 2014



## RECEIPT OF THE APPLICATION

The application for the registration of a mark must be filed with the Department of Intellectual Property Rights (DIPR), Ministry of Commerce. The official languages for filing are Khmer and English and the application form is available in both languages.

The Office accepts paper applications only.

## REPRESENTATION

It is not required for residents of Cambodia to be represented by an agent or attorney. If the applicant is not a permanent resident of or has principal business outside the Kingdom of Cambodia, representation an agent residing and practicing in the Kingdom of Cambodia is required.

## SEARCH, FORMALITY AND SUBSTANTIVE EXAMINATION

Once the minimum filing requirements (A) are met, the Office shall check whether the other formality requirements (B) are complied with, if necessary, and determine whether the mark is registrable (C).

The date of the application shall be the date on which the minimum filing requirements are met by the applicant.

### A. Minimum filing Requirements.

The minimum requirements for an application to be allocated a filing date are the following:

- (a) The name of the applicant;
- (b) The address for correspondence of the applicant or attorney/representative;
- (c) Reproduction of the mark (8cm x 8cm);
- (d) List of goods or services;
- (e) Filing fee.

### B. Other Formality Requirements.

- (a) Fifteen additional identical reproductions of the mark for each class in the application. It should not be more than 8 cm by 8 cm;
- (b) The correct Nice classification of goods or services for which registration is sought;
- (c) Power of attorney, if the applicant is represented, and which must be submitted within forty-five days from the notification date from the registrar;
- (d) Where the mark contains a word/s that are not in Khmer or English, the word/s must be translated or transliterated. The translation or transliteration must accompany the additional 15 reproductions of the mark;
- (e) Where a declaration of priority is made in the application, the applicant may be required to furnish the Office with a certified copy of the earlier application;



### C. Registrability.

A mark cannot be registered if:

- (a) it is incapable of distinguishing the goods or services of one enterprise from those of other enterprises;
- (b) It is contrary to public order or morality or good custom;
- (c) it is likely to mislead the public or trade circles, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics;
- (d) it is identical with, or is an imitation of or contains as an element, an armorial bearing, flag and other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organization or organization created by an international convention, unless authorized by the competent authority of that State or organization;
- (e) If it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in the Kingdom of Cambodia for identical or similar goods or services of another enterprise;
- (f) if it is identical with, or confusingly similar to, or constitutes a translation of a mark or trade name which is well-known and registered in the Kingdom of Cambodia for goods or services which are not identical or similar to those in respect of which registration is applied for, provided that use of the mark in relation to those goods or services would indicate a connection between those goods or services and the owner of the well-known mark that the interests of the owner of the well-known mark are likely to be damaged by such use; or
- (g) it is identical with a mark belonging to a different proprietor and already on the Register, or with an earlier filing or priority date, in respect of the same goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion.

## PUBLICATION, REGISTRATION, AND OPPOSITION

Where the Registrar finds that the conditions for registration are fulfilled, the mark shall be registered, the certificate of registration issued to the applicant, and the reference to the registration published in the Official Gazette of the Ministry of Commerce.

Within 90 days after the date of publication in the Official Gazette, any interested person may file with the Registrar an opposition to the registration of the mark.

## CONTACT

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Ministry of Commerce  
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This Project is funded by the European Union and administered by the European Union Intellectual Property Office (EUIPO)