



DESIGNS FILING REQUIREMENTS

CAMBODIA



JULY 2015



RECEIPT OF THE APPLICATION

The application for registration of an industrial design shall be filed with the Department of Industrial Property, Ministry in charge of industry, and shall contain a request, drawings, photographs or other adequate graphic representations of the article embodying the industrial design and an indication of the kind of products for which the industrial design is to be used. The application shall be subject to the payment of the prescribed application fee.

The official language for filing is Khmer. The Office does not accept online applications.

Where an applicant's ordinary residence or principal place of business is outside the Kingdom of Cambodia, the applicant shall be represented by an agent residing and practising in the Kingdom of Cambodia and fulfilled the prescribed requirements.

FILING REQUIREMENTS

The application for registration of industrial design shall contain a request, at least 6 views of drawing or photographs, where the industrial design is three-dimensional, it may be accompanied by a specimen of the article embodying the industrial design where the industrial design is two-dimensional.

Where the applicant is not the creator, the request shall be accompanied by a statement justifying the applicant's right to the registration of the industrial design.

FILING DATE

The Registrar shall accord as the filing date the date of receipt of the application, provided that, at the time of receipt, the application contains indications allowing the identity of the applicant to be established and the required graphic representation of the article embodying the industrial design.

If the Registrar finds that the application did not, at the time of receipt, fulfill the requirements referred to in the of the previous paragraph, he shall invite the applicant to file the required correction and shall accord as the filing date the date of receipt of the required correction, but if no correction is made, the application shall be treated as if it had not been filed.

STATEMENT OF NOVELTY

The statement of novelty shall refer to the shape, configuration or ornamental of the industrial design that have been created.

An industrial design is registrable if it is new. An industrial design shall be considered as new if it has not been disclosed to the public, anywhere in the world, by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

For the purpose of the preceding paragraph, disclosure to the public of the industrial design shall not be considered prejudicial:

(i) if it occurred within twelve (12) months preceding the filing date or, where applicable, the priority date of the application;



(ii) if it was by reason or in consequence of acts committed by the applicant or his predecessor in title or of an abuse committed by a third party with regard to the applicant or his predecessor in title.

PRIORITY

The application may contain a declaration claiming the priority, as provided for in the Paris Convention, of one or more earlier national, regional or international application filed by the applicant or his predecessor in title in or for any State party to the said Convention or any Member of the World Trade Organization.

Where the application contains a declaration explained in the previous paragraph, the Registrar may request that the applicant furnish, within the prescribed time limit, a copy of the earlier application certified as correct by the Office with which it was filed.

EXAMINATION AND REGISTRATION

After according a filing date, the Registrar shall examine whether:

(i) the application complies with the requirements for filing the application;

(ii) the application fee has been paid;

(iii) the industrial design complies with the following requirements:

- It is any composition of lines or colours or any three-dimensional form, or any material, whether or not associated with lines or colours, provided that such composition, form or material gives a special appearance to a product of industry or handicraft and can serve as a pattern for a product of industry or handicraft, and appeals to and is judged by the eye.
- It does not serve solely to obtain a technical result and to the extent that it leaves no freedom as regards arbitrary features of appearance.

Where the Registrar finds that these requirements are fulfilled, the industrial design shall be registered, a reference to the registration published, and the certificate of registration of the industrial design issued.

INVALIDATION

Any interested person may request to the competent Court to invalidate the registration of an industrial design regarding to Act, but in practice any interested person may request to Ministry of Industry and Handicraft first before going to the Court to solve the problem.

Any industrial design invalidated by the competent Court shall be regarded as null and void from the date of the registration of the industrial design.

The final decision of the competent Court shall be notified.



TERM OF PROTECTION

The registration of an industrial design shall be for a period of five (5) years from the filing date of the application for registration. The registration may be renewed for two further consecutive periods of five (5) years through the payment of the prescribed fee. A period of grace of six (6) months shall be allowed for the late renewal payment, subject to the additional surcharge on the late renewal.

CONTACT

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