



Joint Statement of Intent
on
Cooperation for facilitating Patent Grant of Cambodia-related patent application
between
the Ministry of Industry & Handicraft of the Kingdom of Cambodia
and
the Japan Patent Office

The Ministry of Industry & Handicraft of the Kingdom of Cambodia (hereinafter referred to as “the MIH”) and the Japan Patent Office (hereinafter referred to as “the JPO”) (hereinafter collectively referred to as “both sides”),

Reaffirming the need for patent protection to play a key role in fostering technological innovation and accelerating economic development;

Acknowledging the importance of ensuring high quality and expeditious patent protection for applicants filing their patent applications with the MIH;

Recognizing the benefits for reducing workload and streamlining patent procedures in the MIH; and

Recalling Items 2.(1)(e) and 2.(2)(c) in the Memorandum of Cooperation on Intellectual Property between the National Committee for Intellectual Property Rights/Ministry of Commerce of the Kingdom of Cambodia and the JPO signed on 27 November 2014;

state their intention as follows:

1. Both sides will commence the “Cooperation for facilitating Patent Grant” of Cambodia-related patent application (hereinafter referred to as “CPG”). The basic concept of the CPG is that when the JPO has determined that one or more claims in a patent application is/are patentable, the MIH will grant a patent to the related patent application(s) filed with the MIH at an early date, based on the examination result of the JPO at the request of accelerated patent decision to the MIH from the applicant.

2. Both sides will begin the CPG on 1 July 2016.
3. The details of the CPG are described in the Procedural Guidelines (as attached in this Joint Statement of Intent) for requesting accelerated patent decision to the MIH under the CPG. The Procedural Guidelines include a request form to be completed by applicants.
4. The JPO will announce the CPG to the public including Japanese companies.
5. In cooperation with a concerned organization, the JPO will hold Intellectual Property Seminar(s) for the public, including but not limited to agents, the private sector, and officials, in the Kingdom of Cambodia.
6. This Joint Statement of Intent and the Procedural Guidelines are subject to regular review, and may be modified based on requests to that effect submitted in writing by one of both sides to the other side, and upon the mutual consent by both sides.
7. The Joint Statement of Intent will last for three (3) years and will be automatically extended for a further period of three (3) years, unless one of both sides notifies the other side of its intention to terminate the Joint Statement of Intent, by giving a notice in writing at least 90 days before the intended date of termination, and upon the consent of the other side to the termination.

Signed in Phnom Penh, 4 May 2016

For the Ministry of Industry & Handicraft
– MIH



H.E. Dr. Cham Prasidh
Senior Minister
Minister of Industry & Handicraft

For the Japan Patent Office–JPO



Hitoshi Ito
Commissioner
Japan Patent Office

Procedural Guidelines for Requesting Accelerated Patent Decisions under the Cooperation for facilitating Patent Grant of the Cambodia-related patent application between the Ministry of Industry & Handicraft of Cambodia and the Japan Patent Office

Applicants can request accelerated decisions on patents in Cambodia for patent applications that they have filed with the Department of Industrial Property (DIP) of the General Department of Industry of the Ministry of Industry & Handicraft (MIH) of Cambodia (hereinafter referred to as “the MIH patent applications”), which meet the following requirements based on their prescribed procedures, including related documents, under the Cooperation for facilitating Patent Grant of Cambodia-related patent application (hereinafter referred to as “the CPG”) that uses examination results from domestic patent applications filed with the Japan Patent Office (JPO).

In requesting accelerated patent decisions based on the CPG, applicants must submit a request form to the MIH.

Whenever it is deemed necessary to either modify the CPG or terminate the CPG due to reasons such as the number of requests for accelerated decision based on the CPG exceeding a manageable level or other reasons, Ex Ante notice will be published.

1. Requirements for Making Requests

(a) There must be a Japanese patent application which has the same earliest date (whether this be a priority date or a filing date) (hereinafter referred to as the corresponding JPO patent application), which is the same as the MIH patent application on which CPG is requested.

The MIH patent application must be one of the following:

Case I: A patent application validly claiming priority under the Paris Convention based on the corresponding JPO patent application. (Examples are provided in Figures A, B, C, and D in Annex 1.); or

Case II: A patent application that serves as the basis for validly claiming priority under the Paris Convention of the corresponding JPO patent application (Examples are provided in Figures E and F in Annex 1); or

Case III: A patent application that is based on the same patent application for claiming priority under the Paris Convention, as the corresponding JPO patent application (including a PCT patent application that entered the national phase.) (Examples are provided Figures G and H in Annex 1).

(b) The corresponding JPO patent application has been determined to be patentable by the JPO

(c) All the claims in the MIH patent application requesting examination based on the CPG

have been amended as required, so that the claims are the same as one or more claims in the corresponding JPO patent application determined to be patentable by the JPO

Applicants are allowed to delete a part of the claims that were determined to be patentable by the JPO (Such claims will be considered to be "the same"). However, when claims are deleted, it is necessary to state the claims on the "claims correspondence table" in a way that shows the correspondence between the claims determined to be patentable by the JPO and the claims in the MIH patent application.

It should be noted that a claim in the MIH which introduces a new/different category of claims to those claims indicated as patentable in the JPO is not considered as being the same. For example, when the JPO claims only contain claims to a process for manufacturing a product, then the claims in the MIH are not considered to be "the same", if the MIH claims introduce product claims that are dependent on the corresponding process claims.

2. Documents to be Submitted

The following documents (a) to (c) must be submitted when requesting the CPG:

(a) A copy of the patent gazette in the corresponding JPO patent application and its certification by the JPO.

(b) A translation of Claims and Specification described in the patent gazette in English and in Khmer.

Translators into Khmer must provide a self-declaration on its translation documents. Applicants must submit a translation in Khmer within six months of the date on which the request was filed for the CPG.

(c) Claims Correspondence Table

Applicants must submit a claims correspondence table that shows the correspondence between all the claims in the MIH patent application and all the claims in the corresponding JPO patent application that are determined to be patentable.

When the number for the claims determined to be patentable by the JPO and the number for claims in the MIH patent application have become misaligned due to the deletion of claims, applicants are requested to state the claims in a way that clearly shows the correspondence between the claims determined to be patentable by the JPO and the claims in the MIH patent application.

3. Request form

Subject: Request for an accelerated decision under the CPG

Date of filing: _____

Patent Application number: _____

Title of the invention: _____

Applicant: _____

This patent application validly claims priority under the Paris Convention to the corresponding JPO patent application (patent application number is _____), and requests the CPG. For this purpose, the following documents are attached:

- A copy of patent gazette in the corresponding JPO patent application, and
- its certification by the JPO
- Translation of Claims and Specification described in the patent gazette in English
- Translation of Claims and Specification described in the Patent gazette in Khmer (Translator must provide a self-declaration.)
(Note) Applicant may submit this translation within six months of the date on which the request for the CPG was filed.
- Claims correspondence table

Claims correspondence table

The claim in the MIH	The patentable claim in the JPO	Comments about the correspondence

Example

The claim in the MIH	The patentable claim in the JPO	Comments about the correspondence
1	1	
2	2	
3	5	Claim 3 is the same as the patentable claim 5 in the JPO. Patentable Claims 3 and 4 in the JPO have been deleted.
4	6	Claim 4 is the same as the patentable claim 6 in the JPO. Patentable Claims 3 and 4 in the JPO have been deleted.

