

ROYAL KRAM

NS/RKM/1117/016

We

Preah Bat Samdech Preah Baromeath Orodorn Sihamoi Sama Phum Cheat Sasa
Rakkhatiya Khemaroroathreast Puthithrea Thomrea Mohaksatr Khemarachorea
Samohapheas Kampuchekreach Roathborsate Sopheamogkolea Serveivibolea
Khemera Sreypireast Preahchao Krug Kampuchea

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Degree No. NS/RKT/0913/903 dated 24 September 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of the Ministers;
- Having seen Royal Kram No. NS/RKM/1213/018 dated 09 December 2013 promulgating the Law on Establishment of the Ministry of Industry and Handcraft;
- Having seen Royal Kram No. NS/RKM/0103/005 dated 23 January 2003 promulgating the Law on Patents, Utility Model Certificates and Industrial Designs;
- Pursuant to the Proposal of the Prime Minister of the Royal Government of Cambodia

HEREBY PROMULGATE

Law on the Amendment on the Articles 37, 38, 109 and 136 of the Law on Patents, Utility Model Certificates and Industrial Designs promulgated by Royal Kram NS/RKM/0103/005 dated 22 January 2003 adopted on 16 October 2017 during the ninth plenary session of its fifth legislature and ratified by the Senate as to its entire form and legality on 27 October 2017 during the eleventh plenary session of its third legislature, the whole meaning of which shall be as follows:

**Law on the Amendment on the Articles 37, 38,
109 and 136 of the Law on Patents, Utility
Model Certificates and Industrial Designs
promulgated by Royal Kram
NS/RKM/0103/005 dated 22 January 2003**

Article 1._

Article 37, 38, 109, and 136 of Law on Patents on Patents, Utility Model Certificates and Industrial Designs promulgated by Royal Kram NS/RKM/0103/005 dated 22 January 2003 have been amended are as follows:

Article 37._ New

With reference to the Article 36 of the Patent Law, the Registrar shall take into account on the following points:

- 1- The results of any international search report and any international preliminary examination report established under the PCT in relation the application;
- 2- A search and examination report submitted under item (a) of the 1st paragraph of the Article 31 of this Law relating to, or a final decision submitted under (c) of the 1st paragraph of the Article 31 of this Law on the refusal to grant a patent on, a corresponding foreign application;
- 3- A search and examination report which was carried out upon his request by an external search and examination authority;
- 4- The Registrar shall publish patent application, result of search report and examination report of patent application.

Article 38._ New

The patent registration shall comply with the following:

- 1- Where the Registrar finds that the conditions referred to in the Articles 35 and 36 of this Law are fulfilled, he shall proceed to grant the patent. Otherwise, he shall refuse the application and notify the applicant of that decision.
- 2- Where the patent granted in foreign country is useful to Cambodia, the Minister may issue a decision to recognize that patent in Cambodia. The Minister shall issue the directive in details for recognition of that patent.

Article 109._ New

The industrial design registration shall comply with the following:

- 1- The registration of an industrial design shall be for a period of five years from the filing date of the application for registration. The registration may be renewed for two further consecutive period of five years through the payment of the prescribed fee, as referred to in the Article 130 of this Law. A period of grace of six months shall be allowed for the late payment of the renewal fee on payment of the prescribed surcharge, as referred to in the Article 130 of this Law.
- 2- The application registered under the Geneva act 1999 of the Hague Agreement concerning the international registration of industrial designs where Cambodia is designated shall be deemed to be the industrial design application filed under this Law which receive the same filing date as the international filing as stipulated in Geneva Act 1999 of the Hague Agreement concerning the international registration of industrial design. The Minister shall issue a directive in details of the international registration of industrial design under this Act.
- 3- Where the industrial design granted in foreign country is useful to Cambodia, the Minister may issue a decision to recognize that industrial design in Cambodia. The Minister shall issue the directive in details for recognition of that industrial design.

Article 136._ New

The pharmaceutical products mentioned in the Article 4 of is Law shall be excluded from patent protection until expiration of a grace period determined by the decision of the council of the agreement on trade-related aspects of intellectual property rights of the World Trade Organization about the extended grace period in accordance with agreement on trade-related aspects of intellectual property rights for members of the least developed countries in particular obligations for pharmaceutical products.

Article 2._Law is

This law is promulgated promptly.

Done at Royal Palace, 22 November 2017

Royal Signature

NORODOM SIHAMONI

Has informed to

His Majesty the King for Royal Signature

Prime Minister

Signature

Samdech Akka Moha Sena Padey Techo Hun Sen

Has informed to

Samdech Akka Moha Sena Padey Techo, Prime Minister

Senior Minister, Minister of the Ministry of Industry and Handicraft

Signature

Cham Prasidh