

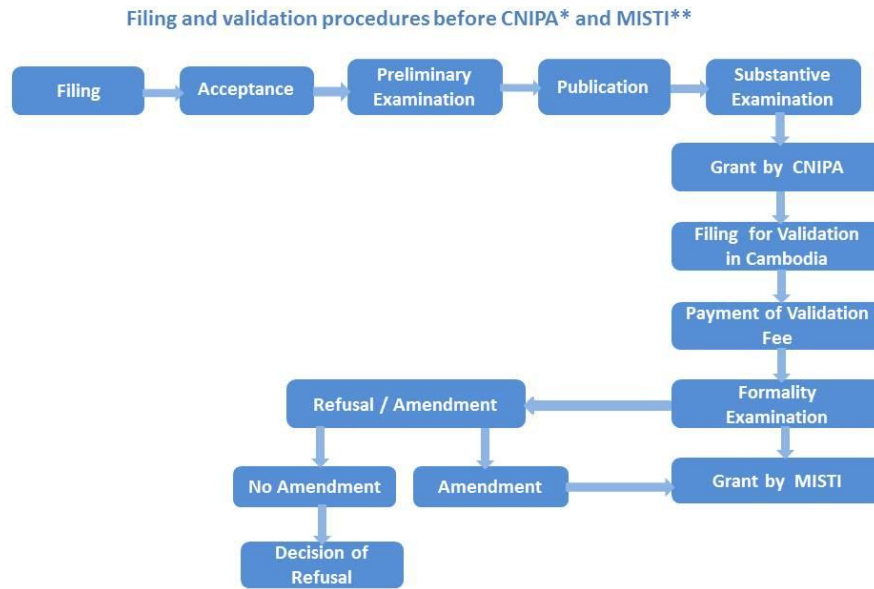
## Validating Chinese patents in Cambodia

Validation of a Chinese patent in Cambodia means the recognition, on request, of the effects of the Chinese patent in Cambodia, which shall allow the China valid patent to get quicker registered in Cambodia. We provide below some remarks on the matter for your reference:

No.	Titles	Remarks
1	Signing date	<ul style="list-style-type: none"> <li>▪ On 21 September 2017, the Ministry of Industry &amp; Handicraft of the Kingdom of Cambodia (MIH, currently the Ministry of Industry, Science, Technology &amp; Innovation) and the State Intellectual Property Office of P. R. China (SIPO, currently China National Intellectual Property Administration) entered into the Memorandum of Understanding on Bilateral Cooperation on Intellectual Property (the “<b>MOU</b>”).</li> <li>▪ MIH adopted Prakas (declaration) No. 080 MIH/2018 dated 27 March 2018 on the re-registration of Chinese patent in Cambodia.</li> </ul>
2	Effective date	<ul style="list-style-type: none"> <li>▪ The MOU has come into effect since the date of its signature by both parties, i.e. 21 September 2017, and will last for five (5) years (under Article 10 of the MOU), whereby SIPO is recognized as the fourth International Search Authority (ISA) for Cambodia (in addition to European Patent Office, Japan Patent Office and the Intellectual Property Office of Singapore), and MIH will accept patents granted by SIPO.</li> <li>▪ The MOU does not cover utility models and industrial designs.</li> </ul>
3	Benefits	<ul style="list-style-type: none"> <li>▪ A Chinese patent validated in Cambodia will have the same validity as a corresponding Cambodian patent.</li> <li>▪ Procedure for validating a Chinese patent in Cambodia is quite simple and fast (where the patentee of a Chinese valid patent files a request for the validation, MIH will conduct only formality examination and issue a patent certificate).</li> <li>▪ Such validation may save some kinds of fees and accelerate the grant of a patent in Cambodia.</li> </ul>
4	Requirements	<p>The following requirements must be met to validate a Chinese patent in Cambodia:</p> <ul style="list-style-type: none"> <li>▪ The Chinese patent must have a filing date on or after 22 January 2003 (i.e. the date on which the Law on Patent of Cambodia took effect).</li> <li>▪ The Chinese patent is granted and in force.</li> <li>▪ Required documents:                             <ul style="list-style-type: none"> <li>(i) Notarized Power of Attorney;</li> <li>(ii) Copy of the patent issued by SIPO (notarization/certification is required);</li> <li>(iii) Copy of the granted patent specification of the Chinese patent and its translation in the Khmer language (<i>notarization/certification is not required for such copy</i>).</li> </ul> </li> <li>▪ The Chinese patent must meet the Cambodian requirements for the patent protected matters.</li> </ul>
5	Exclusions	<ul style="list-style-type: none"> <li>▪ Per Article 136 of the Cambodian Law on Patents, Utility Models and Industrial Designs, pharmaceutical products are excluded from patent protection. Cambodia currently benefits from the World Trade Organization waiver that allows Least Developed Countries (LDCs) to avoid</li> </ul>

granting and enforcing IP rights on pharmaceutical products until the end of **2033**. This waiver would also apply to Chinese patents that provide protection for pharmaceutical products, for which validation is sought in Cambodia.

6 Flowchart for validation



\* CNIPA means China National Intellectual Property Administration (formerly the State Intellectual Property Office of P. R. China)  
 \*\*MISTI means the Ministry of Industry, Science, Technology and Innovation (formerly the Ministry of Industry and Handicraft)

7 Others

- The request for validation can be filed any time during the validity of a China patent.
- The validation of the Chinese patent is subject to payment of administrative fees prescribed in the joint Prakas on Provision of Public Services and Transitional Fines of MISTI and the Ministry of Economy and Finance. Such fees shall be paid within three months from the date of the request for payment.
- The patent validated before MISTI based on a Chinese patent under the MOU will be 20 years computed from the filing date of the Chinese patent.
- Where the Chinese patent is terminated due to failure to pay annuity fees, the patent granted in Cambodian patent remains valid as long as the annuity requirements for the Cambodian patent are met.