

Validating European Patents in Cambodia: 8 Key Points You Need To Know

Patent validation, in the context of the European Patent Office (EPO) and its validation agreement with non-member countries like Cambodia, refers to the process by which a European patent application, once granted, can also be recognized and enforced in a non-EPO member state. Validation significantly benefits patent holders by allowing them to extend their patent protection to Cambodia without having to go through the entire patent application process again in the country. This can lead to more efficient and cost-effective IP management for entities operating on a global scale.

KENFOX IP & Law Office would like to provide below 8 key points that are critical for a smooth patent validation in Cambodia.

No.	Category	Details
1	Agreement and legislation	<ul style="list-style-type: none"> On 23 January 2017, an agreement was signed by the President of the European Patent Office (EPO) and the Cambodian Minister of Industry and Handcraft. The King of Cambodia ratified this agreement on 24 November 2017 with the Royal Kram N^oNS/RKM/1117/017. The legal framework for patent validation in Cambodia was established by Prakas N^o282 MIH/2017 on 8 December 2017
2	Validation start date	<ul style="list-style-type: none"> The validation agreement came into force on 1 March 2018, making it possible to validate European patent applications and patents in Cambodia from this date, conferring the same level of protection as patents granted by the EPO in its 38 (now 44) member states.
3	Governance	<ul style="list-style-type: none"> The process of validation in Cambodia is primarily governed by the Declaration (Prakas) N^o282 MIH/2017, detailing the regulatory framework and procedures for the validation of European Patents in Cambodia.
4	Exclusion and mailbox system	<ul style="list-style-type: none"> Under Cambodian Law on Patents, pharmaceutical products are excluded from patent protection due to a WTO waiver for Least Developed Countries (LDCs), in effect until 2033. However, Article 70.8 TRIPS allows for a "mailbox system" where patent applications for pharmaceutical products can be filed and stored without examination until the waiver period ends, after which patent protection may be granted for the remaining term
5	Validation request and timing	<ul style="list-style-type: none"> Validation in Cambodia is requested at the applicant's initiative for any European or international patent application filed on or after 1 March 2018. Applications filed before this date or European patents resulting from such applications are ineligible for validation.
6	Validation fee and surcharge	<ul style="list-style-type: none"> A validation fee of EUR 180 (Code 423) must be paid within six months of the European search report's publication or the entry into the European phase for international applications.

		<ul style="list-style-type: none"> ▪ A 50% surcharge (Code 453) is applicable if the fee is paid within a two-month grace period after the basic deadline. ▪ The fee is non-refundable, even for applications concerning pharmaceutical products.
7	Application and form requirements	<ul style="list-style-type: none"> ▪ The request for grant form (EPA/EPO/OEB 1001) and the form for entry into the European phase (EPA/EPO/OEB 1200) will include a reference to Cambodia as a validation state. ▪ These updated forms have been available on the EPO website since 1 March 2018.
8	Translation requirements	<ul style="list-style-type: none"> ▪ For validation, the claims must be translated into Khmer and English. ▪ These translations, along with the prescribed fee, must be submitted to the DEP (MIH) within three months from the European patent's publication date.

Final thoughts

Undoubtedly, patent validation is a critical step for inventors and companies looking to protect their inventions not just in Europe, but globally. It bridges the gap between the EPO's member states and other countries, expanding the geographical scope of patent protection under a unified and somewhat streamlined process. From the perspective of Cambodia, patent validation has had a positive impact on the country's economy. The agreement on patent validation between the EPO and the Cambodian Minister of Industry and Handcraft has helped attract foreign investment by creating a more secure environment for innovation and intellectual property. It brings Cambodia closer to international standards, potentially enhancing its technological and economic development.

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