

Trademark Refusal in Cambodia: How Should a Refusal Be Handled?

Once a response to a Notice of Refusal from the Cambodian Department of Intellectual Property (DIP) has been filed, a crucial question emerges: What is the path forward? Will the DIP proceed directly to a final decision, or do opportunities remain to fortify the application and protect the brand's eligibility for registration?

Should the initial arguments be rejected, is the applicant still permitted to amend the application, supplement the record, or present new arguments to resolve the grounds for refusal? What are the subsequent procedural steps an applicant must navigate to avoid missing critical deadlines? Furthermore, if a final refusal is ultimately issued, what legal recourse does Cambodian law provide for an applicant to challenge or overturn this unfavorable result?

A frequent misunderstanding among brand owners is that an office action refusing a mark is tantamount to a definitive termination of protection prospects. To the contrary, Cambodian law provides a well-defined procedural framework that enables applicants to pursue their rights to conclusion through mechanisms for further response, amendment, and appeal.

KENFOX IP & Law Office provides in-depth analysis and specific legal strategies covering the two phases of procedure following a response. This ranges from the continued prosecution before the DIP to the formal legal remedies against a final decision of refusal, helping brand owners leverage every available opportunity to protect their rights during the trademark registration process in Cambodia.

Phase 1: Response to the Provisional Refusal Issued by the Cambodian Department of Intellectual Property (DIP)

The submission of an initial response to a [provisional refusal](#) issued in connection with a trademark application does not mark the conclusion of the examination process. Based on practical experience and direct communication with examiners at the Cambodian DIP, if the initial response is not accepted, the DIP does not immediately proceed to issue a final decision of refusal. Instead, a further **exchange phase** is typically initiated.

- **Second (and potentially third) Refusal Notice:** The DIP may issue one or more additional notices, specifying the remaining objections or requesting further clarification in relation to the previous response.
- **Opportunity to Amend & Strengthen the Application:** Each Office Action provides a crucial opportunity for the applicant (or their counsel) to refine legal arguments, submit new evidence, or amend the application—such as by limiting the scope of protected goods and services—in order to resolve the examiner's objections.
- **Strategic Nature of the Examination:** The DIP's practice of issuing two to three refusals before finalization allows for a flexible examination period. This is the key stage for an IP representative to apply their expertise in negotiating technical and legal points directly with the examiner.

The effective utilization of these rounds of correspondence greatly influences the potential to convert a "refusal" into an ["acceptance for protection"](#).

Below is an example of an International Registration designating Cambodia for which the DIP issued two Provisional Refusals before making a final decision.

Trademark	Holder	Registration Date	Expiration Date	Nice classes
BENEFIT	Benefit Cosmetics LLC	21.10.2010	21.10.2030	03, 35, 44

Summary	Designation Status	Real-time Status
---------	--------------------	------------------

WIPO reference	Type	Office	Inscription da	Notification d	Gazette	Status
1805004001	Change in the name or address of the holder		09.04.2024	25.04.2024	2024/15	Recorded
1536973801	Final decision	KH				Cancelled (22.12.2021)
1386097301	Renewal		23.10.2020	05.11.2020	2020/43	Recorded
13382457	Irregularity Letter		19.03.2020			
1333408101	Refusal of protection	KH				Abandoned (19.03.2020)
1319669101	Change in the name or address of the representative		21.01.2020	06.02.2020	2020/4	Recorded
1244782101	Final decision	CH	17.04.2019	18.04.2019	2019/16	Recorded
1227843801	Refusal of protection	KH	28.02.2019	01.03.2019	2019/9	Recorded

Phase 2: Final Decision – Rights of Appeal and Legal Remedies

If, after all rounds of correspondence, the DIP remains unpersuaded and issues a Final Decision of Refusal, this is the point at which the formal legal remedies under Article 18 are triggered:

Step A: Request for Confirmation of the Grounds for Refusal (Article 18.1)

This is a highly recommended prerequisite step before an appeal. Its purpose is to formally request that the DIP provide its reasons for refusal in a written decision, specifying the legal grounds, referenced materials, and analysis upon which the decision was based.

- **Deadline:** The request must be filed **within one (1) month** from the signing date of the Decision of Refusal.
- **Objective:** To prepare a complete and accurate legal basis for the subsequent appeal file.

Step B: Appeal to a Higher Authority or Initiate Legal Action (Article 18.2)

Once the written confirmation of the grounds for refusal has been obtained, the applicant may:

- File an administrative appeal with the **Appeal Board of the Ministry of Commerce**, or
- Initiate a lawsuit in a **competent court** in accordance with administrative litigation procedures.
- **Deadline:** The appeal must be filed **within three (3) months** from the signing date of the Decision of Refusal.

This is a decisive stage that demands a robust [legal strategy](#), cogent arguments, and the support of a professional team with in-depth knowledge of administrative and litigation procedures related to intellectual property.

Final thoughts

The process of handling a response after submission to the Cambodian DIP is not merely a reactive step, but rather a **strategic undertaking aimed at securing successful trademark protection**. From leveraging the multiple rounds of communication following DIP's provisional refusals to [proactively exercising the right to appeal](#) and challenge final decisions, every action taken may play a decisive role in the final outcome. From a practical standpoint, a notice of refusal is not the end of the road for a trademark application. On the contrary, it presents an opportunity to review the protection strategy, strengthen the legal arguments, and affirm the brand's value in the marketplace.

With extensive experience and in-depth knowledge of Cambodian intellectual property law, **KENFOX IP & Law Office stands ready to support trademark owners at every stage of the process**—from preparing and submitting responses to developing sound legal strategies for appeal. Our goal is to help maximize the chances of successful protection for trademarks in Cambodia.

At KENFOX, we believe that a protected trademark is not merely an asset - **it is a strategic advantage**.

QUAN, Nguyen Vu | Partner, IP Attorney
PHAN, Do Thi | Special Counsel

Contact

KENFOX IP & Law Office

Building No. 6, Lane 12/93, Chinh Kinh Street, Nhan Chinh Ward, Thanh Xuan District, Hanoi, Vietnam

Tel: +84 24 3724 5656

Email: info@kenfoxlaw.com / kenfox@kenfoxlaw.com