



PREAH REACH KRAM
(ROYAL KRAM)

NS/RKM/1117/016

WE

PREAHKARUNA PREAH BATH SAMDECH PREAH BOROMNEAT NORODOM
SIHAMONI SAMANPHUM CHEATSASNA RAKHATKHATEYA KHEMRAROTREASTR
PUTHINTHREA THOREAMOHAKSAT KHAMREACHNEA SAMOHORPHEAS
KAMPUCHEKREACHROATH BORANAKSANTEH SOPHEAKMONGKULEA
SEREYVIBOLEA KHEMRASREYPHIREAS PHEAH CHAU KRONG
KAMPUCHEA THIPADEY.

- seen the Constitution of the Kingdom of Cambodia;
- seen the Royal Decree No. NS/RKT/0913/903 dated September 24, 2013 on the appointment of the Royal Government of Cambodia;
- seen the Royal Kram N°. 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning the Council of Ministers;
- seen the Royal Kram N°. NS/RKM/1213/018 dated December 09, 2013 promulgating the Law on the establishment of the Ministry of Industry and Handicraft;
- seen the Royal Kram N°. NS/RKM/0103/005 dated January 22, 2003 promulgating the Law on the Patents, Utility Model Certificates and Industrial Designs;
- pursuant to the proposals of Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister of the Kingdom of Cambodia;

HEREBY
PROMULGATE

The Law on Amendment of Article 37, Article 38, Article 109 and Article 136 of the Law on Patents, Utility Model Certificates and Industrial

Designs promulgating by the Royal KRAM N°. NS/RKM/0103/005 dated January 22, 2003 which was adopted by the National Assembly on October 16, 2017 during the ninth plenary session of its fifth and ratified by the Senate as to its entire form and legality without any correction on October 27, 2017 during the eleven plenary session of its third legislature, the whole meaning of which shall be as follows:

Law

on

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

Article One .-

Article 37, Article 38, Article 109 and Article 136 of the Law on Patents, Utility Model Certificates and Industrial Designs promulgating by the Royal Kram N°. NS/RKM/0103/005 dated January 22, 2003, which was amended as follows:

Article 37 New.-

The Registrar shall take into account, for the purposes of Article 36 of this Law, as following:

1. the results of international search report and international preliminary examination report established under the PCT in relation to the application;
2. a search and examination report submitted under item (a) of the 1st paragraph of Article 31 of this Law relating to, or a final decision submitted under item (c) of the 1st paragraph of 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 the Patent application search report and examination report for the patent application.

Article 38 New. –

The grant of patent shall apply as follow:

- (1) where the Registrar finds that the conditions referred to in Articles 35 and 36 of this Law are fulfilled, Registrar shall proceed to grant the patent. Otherwise, he shall refuse the application and notify the applicant of that decision.
- (2) In case of, it is found that the patent granted in abroad are being useful of Cambodia, the Minister may grant decision for recognizing of the patent in Cambodia. Minister shall issue the necessary regulation in detail on the implementation for the recognition of the patent.

Article 109 New.-

The registration of industrial design shall apply as follow:

1. the registration of an industrial design shall be valid for a period of five (5) years from the filing date of the application for registration. The registration may be renewed for two further consecutive periods of five (5) years through the payment of the prescribed fee, as referred to in Article 130 of this Law. A period of grace of six (6) months shall be allowed for the late payment of the renewal fee on payment of the prescribed surcharge, as referred to in Article 130 of this Law.
2. the application for registration under the Geneva Act of 1999 of the Hague Agreement Concerning the International Registration of Industrial Design, in which the Kingdom of Cambodia was designated shall be deemed as on industrial design registered application had been registered under this Law by having the filing date as same as international filing date mentioned in the Geneva Act 1999 of the Hague Agreement Concerning the International Registration of Industrial Design. The Minister shall issue the necessary regulation detail on the implementation of the registration of international industrial design under this Act.
3. In case of, It is found that the industrial design registration in abroad are being useful for Cambodia, Minister may grant decision for recognizing of industrial design in Cambodia. Minister shall issue necessary regulations detail on the implementation of the recognition of the industrial design.

Article 136.-

The pharmaceutical products mentioned in the Article 4 of this Law shall be excluded from patent protection until the expiration of the grace period, which was mentioned by the Decision of the council of the Agreement on Trade Related Aspects of Intellectual Property Rights of the world Trade Organization on the extension of the grace period, according to the Agreement on Trade-Related Aspects of Intellectual Property Rights for the members that are Least Developed Countries in respected of specific obligations to pharmaceutical products.

Article Two.-

This Law shall be declared as a matter of urgency.

Done at the Royal Palace, 22 November 2017

Royal Signature and Seal

NORODOM SIHAMONI

PRL. 1711. 1086

Highly, Reverently Submitted to His Majesty
the King for Royal Signature
Prime Minister
Signature

Samdech Akka Moha Sena Padei Techo HUN SEN

Respectfully Submitted to
Samdech Akka Moha Sena Padei Techo Prime Minister
Senior Minister, Minister of Industry and Handicraft
Signature

CHAM PRASIDH

No: 1064 S.N
Text Copy for Dissemination
Phnom Penh, 24 November 2017
Secretary General
Royal Government of Cambodia
(Signature and Seal)

SOY SOKHA