

**PRAKAS (DECLARATION)
DECLARATION NO. 368
ON PROCEDURES OF THE DIVISION
OF INTELLECTUAL PROPERTY**

Phnom Penh, December 15, 1997

THE MINISTER OF COMMERCE

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree of His Majesty Preah Bat Samdech Preah Norodom Sihanouk, King of Cambodia, dated November 01, 1993 on the formation of the Royal Government of Cambodia;
- Having seen Royal Decree No. 897-14, dated August 7, 1997 on the amendment of the composition of the Royal Government;
- Having seen the Law on the Establishment of Ministry of Commerce which was promulgated by Royal Decree No. 196116, dated January 24, 1996;
- Having seen the Sub-Decree No. 54, dated September 22, 1997 of the Royal Government of Cambodia on the Organization and the Functioning of the Ministry of Commerce, and
- Having seen the important request of the Intellectual Property Division.

HEREBY DECIDES

Article 1: to give the right to the Intellectual Property Division to implement its role and duty provided by the State to register and to grant certificate of trademarks and service marks to domestic and foreign applications and resolve all problems arising from registration.

Article 2: The Intellectual Property Division shall co-operate with competent institutions concerned to promote effective protection of trademarks, in order to ensure consumer confidence, local and overseas, with respect to those who have already registered their marks.

Article 3: The duration of trademarks protection is limited to a period of ten years and may be renewed for consecutive periods of ten years. The owners of trademarks or service marks or their legitimate representatives should report to the Intellectual Property Division the use or non-use of their trademarks or service marks every 5 years. In the absence of any report, those trademarks or service marks shall be removed from the registry.

Article 4: With respect to customers, local or overseas, who intend to apply for registration of trademarks or service marks in the Kingdom of Cambodia - the Intellectual Property Division, Ministry of Commerce - shall submit to the Intellectual Property Division the following documents:

- Application for registration..... 1 Copy
- Power of Attorney certified by lawyer or Notary Public..... 1 Copy
- 15 specimens of mark

Article 5: The issuance of the official Acknowledgement and Registration Certificate of trademark or service mark to the local and foreign customers shall be conducted after substantive examination of the complete and authentic documents required by the Intellectual Property Division.

Article 6: The case of any application for registration which is not legitimate, the Ministry of Commerce has the right to dismiss it or in the case that the trademark or service mark has already been registered, to remove it from the trademark registry, such cases of non-legitimacy shall be those in which:

- The trademark or service mark is likely to mislead the public.
- The trademark or service mark is used in the public domain.
- The trademark or service mark shows the characteristics of goods or services to which they relate, such as the kind, quality or quantity etc.
- The trademark or service mark consists of shapes of goods or forms imposed of goods.
- The trademark or service mark is contrary to morality, public order, customs or to law.
- The trademark or service mark, which is submitted for registration without the owner's permission.
- The submitted trademark or service mark is substantially identical to a trademark or service mark, which is already registered and legitimate.

Article 7: Any person who counterfeits or attempts to register a trademark or service mark for illegal use shall be punished under applicable laws of the Kingdom of Cambodia.

Article 8: This Declaration comes into force from the public promulgation date.

The Minister of Commerce

Signed and sealed

Cham Prasidh