



Ministry of Industry, Mines and Energy
General Director of Industry
Department of Industrial Property

TRAINING ON INDUSTRIAL DESIGN

Phnom Penh, 19-20 December 2007

Sunway Hotel Phnom Penh



EC-ASEAN Intellectual Property Rights Co-operation Programme (ECAP II)



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LAW ENFORCEMENT AND DISPUTE RESOLUTIONS OF INDUSTRIAL DESIGN IN CAMBODIA

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LEGISLATIONS AND MEMBERSHIP OF CAMBODIA

Law on patent, Certificate of Utility Model and Industrial Design, 22 January 2003

- Bylaws on the procedure of industrial design Registration, 29 May 2006

-Member of the WTO, 25 July 1995

- Member of the Paris Convention, 22 October 1998

- Member of the WTO, 25 October 2004



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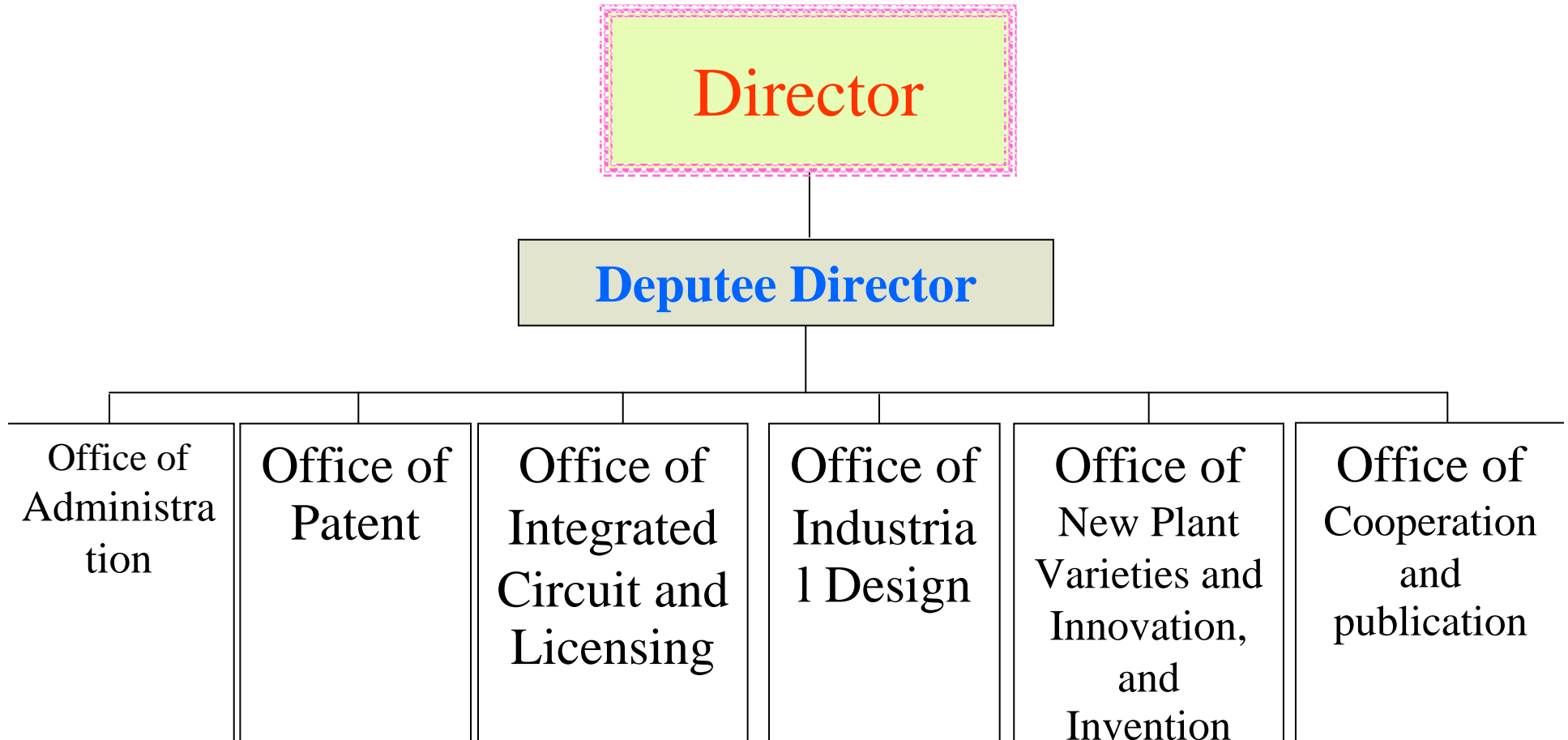


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ORGANISATIONAL CHART OF INDUSTRIAL PROPERTY DEPARTMENT



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WHO ARE THE RIGHT OWNERS ?

ARTICLE 94 OF THE PATENT LAW:

- *Rights of inventors or*
- *Rights of employees,*
- *The rights may be transferred, sold or given to descendants*



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INFRINGEMENT

Article 125 of the patent law:

- Reproduction and importation of the infringed goods*
- Stock for distributions of the infringed goods*





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DISPUTE RESOLUTIONS

Article 123 of the patent law:

In cases of dispute relating to infringement and registration of industrial design, the interested persons may bring action to competent courts.



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APPEALS AGAINST REFUSAL OF REGISTRATION

ARTICLE 124 OF THE PATENT LAW:

- Any refusal of registration of a design by the Ministry in charge of industry may be appealed to competent court*

- The appeals may be filed within three months of the date of the decision*



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ACTIONS AGAINST INFRINGEMENT

ARTICLE 126 OF THE PATENT LAW

- The owner of the title of protection, the licensee may request the right owner to institute Court proceedings for a specific relief*
- When the owner refuses or fails to do so, the competent court may grant an injunction to prevent infringement*



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OFFENCES

ARTICLE 133 OF THE PATENT LAW:

Any person who knowingly performs an act which constitutes an infringement as defined in Article 125 of this law shall be punished:

- A fine from five million Riels to twenty million Riels, or
- Imprisonment from one year to five year, or
- Both fine and imprisonment.





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SEIZURE

ARTICLE 134 OF THE PATENT LAW

WHERE A PERSON IS FOUND GUILTY OF AN OFFENSE UNDER THIS LAW, THE COURT MAY ORDER THE SEIZURE OF WHICH IS DEEMED AS STATE ASSET AND DESTRUCTION OF THE INFRINGED GOODS.



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ADJUDICATE AND DISPUTE RESOLUTION

ARTICLE 27 OF THE BYLAWS

DEPARTMENT OF INDUSTRIAL DESIGN HAS COMPETENCE TO
CREATE RESOLVING MECANISMS RELATING TO
REGISTRATION OF INDUSTRIAL DESIGN IF NECESSARY.



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REGISTRATION DEPARTMENT

DEPARTMENT OF INDUSTRIAL DESIGN OF THE MINISTRY HAS
FOLLOWING DUTIES :

+ ISSUING LETTER PATENT. CERTIFICATE OF UTILITY
MODEL AND

+ REGISTERING INDUSTRIAL DESIGN



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Thank you for your attention



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