procedure

https://actip.com.vn/cambodia/procedure-a48.html

[1] time limit

twelve [12] months counted from the earliest priority date is limited to claim the priority on the basis of the conventional patent application under Paris Convention.

[2] grace period for the PCT application

twelve [12] months counted from the earliest priority date is allowable to enter the Cambodian national phase of PCT application, although Cambodia is not a member of PCT.

[3] requirements

In order to file an application for a patent/utility model in Cambodia, it is required the following documents:

Direct National Application

documents	remarks	time of filing
Power of Attorney	- notarized	within two [2] months from the filing date
Inventorship Deed of Assignment	- notarized & required when applicant and inventor is not the same	within two [2] months from the filing date
English patent specification	- required	on filing date
Khmer specification	- required	within six [6] months from the filing date

Convention Based-Application

documents	remarks	time of filing
Power of Attorney	- notarized	within two [2] months from the filing date
Priority document	- certified copy which issued by the first receiving office - English & Khmer translations are required	within three [3] months from the filing date
Priority Deed of Assignment	- notarized & required when applicant is other than one in priority document	within three [3] months from the filing date

English patent specification	- required	on filing date
Khmer patent specification	- required	within six [6] months from the filing date
Copy of examination report of corresponding application in foreign country	- if any	on available
Copy of registration certificate of patent/petty patent obtained in foreign country	- if any	on available

Entry of PCT National Phase

documents	remarks	time of filing
Power of Attorney	- notarized	within two [2] months from the filing date
Priority document	- certified copy which issued by the first receiving office - English & Khmer translations are required	within three [3] months from the filing date
Priority Deed of Assignment	- notarized & required when applicant is other than one in priority document	within three [3] months from the filing date
English patent specification	- required	on filing date
Khmer patent specification	- required	within six [6] months from the filing date
International Search Report	- if available	on available
International preliminary examination report	- if available	on available
Copy of examination report of corresponding application in foreign country	- if any	on available
Copy of registration certificate of patent/petty patent obtained in foreign country	- if any	on available

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[4] examination

An application for invention/utility model in Cambodia shall be conducted the formality examination and substantive examination with the alternate publication.

formality

A formality examination will take three [3] months from the filing date.

A response for formality refusal have to be made within two [02] months from the date of notification.

publication

If the application is considered formality accepted, it will be published in the official Gazette in the 18th month counted from the filing date or the priority date. However, as a matter of practice, until the date of 2013, the publication step has not been performed for any patent application.

substance

Currently, Cambodia Patent Office itself has no facilities to conduct the substantive examination of patent application, and the substantive examination result will be followed to the result which is made by any foreign Patent Office for its corresponding application.

In case the applicant cannot submit the foreign examination results, the Cambodia patent office will request a foreign searching and examining authority to take the substantive examination for the application upon the request of applicant.

A response for substantive refusal have to be made within five [05] months from the date of notification.

grant

If the application is considered accepted to grant a patent, the Registrar will request the applicant to pay the grant fee within three [3] months from the date of the notification.

The whole duration for the grant and publication of Patent certificate is about [32]~[48] months from the date on which the application is filed in due course

[5] term & maintenance

Term of protection of patent is twenty [20] years from the filing date, while is [07] years for utility model.

The annuity must be paid in advance for every year, but annuity for the first year is required the time of filing notwithstanding the patent is granted or not.

A six-month grace period is allowed for the late payment of annual fee with an additional surcharge.

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