

**DEPARTMENT OF INDUSTRIAL  
PROPERTY (DIP), MINISTRY OF  
INDUSTRY, SCIENCE, TECHNOLOGY AND  
INNOVATION (MISTI) (CAMBODIA)**

**AS  
DESIGNATED (OR ELECTED) OFFICE**

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**List of abbreviations:**

Office: Department of Industrial Property (DIP), Ministry of Industry, Science, Technology and Innovation (MISTI) (Cambodia)

PL: Law on Patents, Utility Models and Industrial Designs, 2003

**SUMMARY****Designated  
(or elected) Office****SUMMARY**

**KH DEPARTMENT OF INDUSTRIAL PROPERTY KH**  
**(DIP), MINISTRY OF INDUSTRY, SCIENCE,**  
**TECHNOLOGY AND INNOVATION (MISTI)**  
**(CAMBODIA)**

**Summary of requirements for entry into the national phase**

|  |  |
|--|--|
| Time limits applicable for entry into the national phase:                            | Under PCT Article 22(1): 30 months from the priority date<br>Under PCT Article 39(1)(a): 30 months from the priority date  |
| Translation of international application required into: <sup>1</sup>                 | Khmer  |
| Required contents of the translation for entry into the national phase: <sup>1</sup> | Under PCT Article 22: Description, claims (if amended, as amended only), any text matter of drawings, abstract<br>Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report) |
| Is a copy of the international application required?                                 | A copy is required only if the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2) or 40(2).  |
| National fee:  | Currency: Cambodian riel (KHR)<br>For patent:<br>Filing fee: <sup>1</sup> KHR 320,000<br>Claim fee for each claim in excess of 10: KHR 20,000<br>For utility model:<br>Filing fee: <sup>1</sup> KHR 160,000<br>Claim fee for each claim in excess of 10: KHR 20,000  |
| Exemptions, reductions or refunds of the national fee:                               | None   |

*[Continued on next page]*

<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

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[Continued]

Special requirements of the Office  
(PCT Rule 51*bis*):

Name and address of the inventor if they have not been furnished in the “Request” part of the international application<sup>2, 3</sup>

Statement justifying the applicant’s right to the patent<sup>2, 3</sup>

Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application<sup>2, 3</sup>

Document evidencing a change of name of the applicant if the change occurred after the international filing date<sup>3</sup>

Appointment of an agent<sup>4</sup>

Instrument appointing the agent (authorization or power of attorney)<sup>4</sup>

Verification of translation of international application

Who can act as agent?

Any patent attorney or patent agent registered before the Office

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

<sup>2</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<sup>3</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

<sup>4</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time fixed in the invitation.

## THE PROCEDURE IN THE NATIONAL PHASE

- PCT Art. 46 KH.01 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).
- KH.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex KH.I.
- PL Art. 46  
130 KH.03 **ANNUAL FEES.** Annual fees are payable before the second and each subsequent anniversary of the international filing date. Payment of annual fees may still be made within six months from the due date, subject to the payment of a surcharge. The amounts of the annual fees are indicated in Annex KH.I.
- KH.04 **APPOINTMENT OF AN AGENT.** The applicant must be represented by an agent in all cases. The agent shall be appointed by filing a power of attorney, signed by the applicant.
- PL Art. 37 KH.05 **EXAMINATION.** The Office carries out formal examination but it does not carry out substantive examination. The Office will take into account:
- (i) the results of any international search and examination;
  - (ii) a search and examination report on the corresponding foreign application furnished by the applicant or a final decision on the refusal to grant the corresponding foreign application; and
  - (iii) the results of a search and examination report carried out upon its request by an external search and examination authority.
- PCT Art. 28  
41 KH.06 **AMENDMENT OF THE APPLICATION.** The applicant may, at any time before the patent is granted, make amendments to his application, provided that the amendment does not go beyond the original disclosure.
- PCT Art. 24(2)  
48(2)  
PCT Rule 82*bis* KH.07 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
- PCT Art. 25  
PCT Rule 51 KH.08 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.
- PCT Art. 37  
PCT Rule 49.6 KH.09 **REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested where the applicant, in spite of due care required by the circumstances having been taken, failed to perform the acts referred to in Article 22 within the applicable time limit. A request for reinstatement must be presented in writing within two months from the removal of the cause of the failure to observe the time limit or twelve months from the date of expiration of the applicable time limit, whichever time limit expires earlier. Within the said two months, the omitted action must be completed. Please refer to the Office for any fee payable for such request.
- PL Art. 69 KH.10 **UTILITY MODEL.** If the applicant wishes to obtain a utility model instead of a patent in Cambodia, on the basis of an international application, the applicant, when performing the acts referred to in PCT Article 22 or 39(1), shall so indicate to the designated Office.
- PL Art. 75 KH.11 **CONVERSION.** An international application for a patent may be converted into a utility model and vice-versa, after the applicant has complied with the requirements for entry into the national phase. Conversion may be requested at any time up to the grant or refusal of the patent or utility model. Please refer to the Office for any fee payable for such request.

**FEES****(Currency: Cambodian riel)****Patents**

|   |           |
|---|-----------|
| Filing fee: . . . . .                               | 320,000   |
| Claim fee for each claim in excess of 10: . . . . . | 20,000    |
| Annual fees:  |           |
| — for the 2 <sup>nd</sup> year . . . . .            | 80,000    |
| — for the 3 <sup>rd</sup> year . . . . .            | 12,000    |
| — for the 4 <sup>th</sup> year . . . . .            | 160,000   |
| — for the 5 <sup>th</sup> year . . . . .            | 400,000   |
| — for the 6 <sup>th</sup> year . . . . .            | 560,000   |
| — for the 7 <sup>th</sup> year . . . . .            | 720,000   |
| — for the 8 <sup>th</sup> year . . . . .            | 880,000   |
| — for the 9 <sup>th</sup> year . . . . .            | 1,040,000 |
| — for the 10 <sup>th</sup> year . . . . .           | 1,200,000 |
| — for the 11 <sup>th</sup> year . . . . .           | 1,400,000 |
| — for the 12 <sup>th</sup> year . . . . .           | 1,600,000 |
| — for the 13 <sup>th</sup> year . . . . .           | 1,800,000 |
| — for the 14 <sup>th</sup> year . . . . .           | 2,000,000 |
| — for the 15 <sup>th</sup> year . . . . .           | 2,200,000 |
| — for the 16 <sup>th</sup> year . . . . .           | 2,440,000 |
| — for the 17 <sup>th</sup> year . . . . .           | 2,680,000 |
| — for the 18 <sup>th</sup> year . . . . .           | 2,960,000 |
| — for the 19 <sup>th</sup> year . . . . .           | 3,240,000 |
| — for the 20 <sup>th</sup> year . . . . .           | 3,560,000 |

**Utility models**

|   |         |
|---|---------|
| Filing fee: . . . . .                               | 160,000 |
| Claim fee for each claim in excess of 10: . . . . . | 20,000  |
| Annual fees:  |         |
| — for the 2 <sup>nd</sup> year . . . . .            | 80,000  |
| — for the 3 <sup>rd</sup> year . . . . .            | 100,000 |
| — for the 4 <sup>th</sup> year . . . . .            | 120,000 |
| — for the 5 <sup>th</sup> year . . . . .            | 200,000 |
| — for the 6 <sup>th</sup> year . . . . .            | 300,000 |
| — for the 7 <sup>th</sup> year . . . . .            | 400,000 |

**How can payment of fees be effected?**

All fees must be paid to the Office in Cambodian riels. All payments must indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and the category of fee being paid.