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As Cambodia is a developing country in terms of both the implementation and the human resource capacity. In recent years to develop the Industrial Property (IP), Cambodia adopted the Law on the Patents, Utility Model and Industrial Designs in the early 2003 and has authorized the Ministry of Industry and Handicraft (MIH) to work on its IP development. The lack of human resource and law implementation is an ongoing issue in the IP practice. In order to promote the implementation and protection in Industrial Property, efforts are being made in response to the global and regional integration. The value and importance of Industrial Property for the development of the economy and the exchange of technology and further development to the co-operation arrangement, Cambodia and Singapore reached the Agreement of the Memorandum of Understanding (MOU) on The Co-operation in Industrial Property between the Ministry Industry Handicraft (MIH) and The Intellectual Property Office of Singapore (IPOS) dated January 20, 2015.

The Ministry of Industrial & Handicraft (MIH), Cambodia and Intellectual Property Office of Singapore (IPOS) entered into MOU for five (5) years dated January 20 2015 in Singapore, for considering the value and importance of Industrial Product ("IP") for the development of the economy and for exchanging technology. Further also to promote, improve and strength industrial property system for providing effective response by introduction of new technologies.

Article 3 of the MOU states out the areas in which Cambodia and Singapore would work relating to IP. The following are the areas relating to IP:

1. IPOS to receive and act as a Search and Examination on behalf of MIH;
2. MIH to receive patent application on behalf of IPOS;

3. IPOS and MIH to receive industrial design application on behalf of each other;
4. Harmonization of procedures and form between both the offices;
5. MIH to recognize patents granted and industrial designs registered by IPOS;
6. IPOS to recognize patents granted at MIH for which the IPOS acted as a Search and Examination and all industrial design registered at MIH and
7. MIH and IPOS to collect fees on behalf of each other.

In addition to above mentioned areas, other areas of cooperation included are:

1. Training officers along with exchange, sharing knowledge and experience on IP administration and protection related to patents, industrial design, plant variety protection and layout designs of integrated circuits.
2. Exchanging of information and knowledge promoting innovation in the field of IP.
3. Encouraging use of IP by the industry to facilitate economic development.
4. Collaborating on training for local and business communities.

The co-operation activities under the MOU will be implemented for exchanges, technical mission, work programs, expansion of the cooperation to include other types of intellectual property, exploring and inviting other ASEAN Intellectual Property Office to participate in the cooperation of MOU and for recognizing IPOS as a competent international searching and examining authority once Cambodia becomes PCT member.

Under Article 5 an officer will be appointed specifically for carrying out the co-operation activities. Also a coordinator is appointed under article 6 for coordinating the activities under MOU.

The MOU with Singapore will contribute to the development of Industrial Property to Cambodia as well as facilitate companies from Cambodia by providing a simple process in registration of the Industrial Property and to will also assist Cambodia in developing and growing its Intellectual Property Law which may assist in attracting more future



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cambodianlaw.wordpress.com

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LEGAL DATABASE

The laws and regulations in our database are based upon the Official Gazettes, law compendiums and other collections from the ministries and institutions of the Royal Government of Cambodia. These are available to the public through our partner site, www.bnglaw.net.

investments in the country.

LEGAL UPDATE

Press Release dated 28 April 2015 on the Celebration of World IP Day and the workshop on the Mark Registration for SMEs

On April 28, 2015, the National Committee for Intellectual Property Rights (NCIPR) of the Ministry of Commerce celebrated and organized the World Intellectual Property Day and the workshop of Mark Registration for SMEs. World IP Day is celebrated to raise awareness about patents, copyright, trademarks and designs impact on daily life” and “to celebrate creativity, and the contribution made by creators and innovators to the development of societies across the globe, and April 26 was chosen as the date for World Intellectual Property Day because it is the date on which the Convention Establishing the World Intellectual Property Organization entered into force.

For the progress in IP development in ASEAN under IP Action Plan 2011-2015, all ASEAN Member States formulated common Guidelines of ASEAN for the substantive examination of applications for mark registration in the IP offices of all ASEAN Member States. These Guidelines are very important tools for trademark examiner in harmonizing their decisions and reduce the duration of a trademark's registration to six months for the sake of the business community.

Recently, Cambodia acceded to the “Madrid Protocol Concerning International Registration of Marks” so that applicants can apply through the Ministry of Commerce for the registration of their trademarks to 111 countries. Please see our [newsletter](#) for further detail.

Prakas No 142 (MOC) dated 03 June 2015 on Formality and Procedure for Commercial Registration in any Change and Amendment of Enterprise-Company

This Prakas reaffirms that incorporator or director or individual shareholder is held responsible for undertaking commercial registration, depositing of documents and publication which are required by law.

After undertaking Commercial Registration, during the tenure of business operation, the company, at any time, can amend its articles of incorporation. For the amendment of articles of incorporation, the following amendments are allowed:

- Changing the name of the Company;

- Adding, reducing or changing company's business objective or business activities;
- Reclassifying number of shares by amending their absolute and comparative characteristic of any type of shares.
- Amending dividends of any particular share.
- Increasing capital by issuing new type of shares which are consisting of absolute and comparative characteristics to be better than or less than the existing type of shares.
- Reducing registered capital by reducing par value of particular shares or reducing numbers of the allotted shares.
- Changing duration of the company.
- Changing the registered head office.
- Changing quorum.
- Adding any provisions, allowed by the Law on Commercial Enterprises into the Articles of Incorporation.
- Transferring shares as permitted by laws

Further, the transfer of shares shall be conformed with certain requirements as listed below:

- For any shares transfers whom transferor is in Cambodia, transfer documents shall be certified by a lawyer or public notary of Cambodia;
- Any shares transfers whom transferor resides outside Cambodia shall be certified by public notary or any authority who is competent in the Country where the transferor resides;
- In case shares transfer documents are not certified by lawyer, public notary or competent authority, the transferor shall sign and affix their thumbprints before the commercial registrar.

Prakas No 099 MOC/SM2008 dated April 07, 2008 is abrogated from the date of signature of this Prakas.