

KINGDOM OF CAMBODIA

NATION RELIGION KING

Ministry of Commerce

No.125 MOC/ KSB.BK

PRAKAS

On

The Procedures for Online Mark Filing

Minister of Commerce

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree No. NS/RKT/0913/903 dated September 24, 2013 on the Nomination of the Royal Government of Cambodia
- Having seen the Royal Decree No. Ns/RKT/0416/368 dated April 04, 1996 on the revision and addition of the composition of the Royal Government of Kingdom of Cambodia
- Having seen the Royal Kram No. 02 NS.94 dated July 20, 1994 on the Organization and Functioning the Council of Minister
- Having seen the Royal Kram No. NS/RKM/0196/16 dated January 24, 1996 promulgating the Law on the Establishment of Ministry of Commerce
- Having seen the Royal Kram No. NS/RKM/0202/006 dated February 07, 2002 Promulgating the Law on Mark, Trade Name and Acts of Un-Fair Competition
- Having seen the Royal Kram No. NS/RKM/0114/006 dated January 20, 2014 Promulgating the Law on Geographical Indication
- Having seen the Sub Decree No. 131 ANK.BK dated March 19, 2014 on the Organization and Functioning of the Ministry of Commerce
- Having seen the Sub Decree No. 64 ANK.BK dated July 12, 2006 on the Implementation of the Law on Mark, Trade Name and Acts of Un-Fair Competition
- Having seen Prakas No. 206 MOC.KSB.BR dated July 24, 2014 Of Ministry of Commerce on the Organization and Functioning of the Intellectual Properties Department
- Having seen Prakas No. 293 MOC.KSB.BK dated August 30, 2016 of Ministry of Commerce on the Procedures for Registration and Protection of Certification Mark
- Having seen Prakas No. 368 MOC.KSB.BR dated November 01, 2016 of Ministry of Commerce on the Procedures for International Marks Registration

- Having seen Prakas No. 422 MOC.KSB.BR dated December 29, 2016 of Ministry of Commerce on the Procedures for Registration and Protection of Geographical Indication
- In Pursuant to actual needs of Ministry of Commerce

DECIDES

Article 1: Purpose

The purpose of this Prakas is to define the procedures for online filing application and other relevant tasks in Kingdom of Cambodia by www.efiling.cambodiaip.gov.kh.

Article 2: Objective

The objective of this Prakas is defined as below:

- Strengthening and increasing the efficiency of online filing application and other relevant tasks.
- Supporting the better service for filing application.
- Facilitating the data management relating to Marks.
- Managing the given letters and other relevant document
- Managing the various fees collection relating to the protection of marks to be more effective.

Article 3: Scope

The scope of this Prakas is to implement the online filing application and other relevant tasks in the Kingdom of Cambodia.

Article 4: Definitions

For the objective of this Prakas:

“Mark” refer to mark, Collective Marks, Tradename, Certification Mark and GIs.

“Online” refer to the system which is built for online filing application and other relevant tasks.

“Applicant” refer to the applicant who files the application and other relevant tasks online.

Article 5: Provisions applicable

The relevant provisions of the Law on Mark, Trade Name and Acts of Un-Fair Competition, GI Law and various provisions for implementation shall be used for online filing application and other relevant tasks.

Article 6: Competent Authority

Department of Intellectual Property of Ministry of Commerce is responsible for managing the online filing system, other relevant applications and providing the user name and password for the use of online mark filing system.

Article 7: Applicant

The applicant who has permanent domicile or business address located in the Kingdom of Cambodia shall be able to use online filing system.

The applicant who doesn't have permanent domicile and business address located in the Kingdom of Cambodia shall need a representative who domiciles and works in the Kingdom of Cambodia in order to use online filing system.

The applicant or representative who files online, shall attach the required documents as stipulated in law and other related provisions in digital form.

The applicant or representative shall insure all the required digital documents provided to DIP of MOC are the true copies.

Those who provides the fake information to be used in online filing application and other relevant tasks shall be condemned by article 63 of Law on Mark, Trade Name and Acts of Un-Fair Competition and other related laws.

Article 8: Application

To file application and other relevant tasks online, applicant is required for user name and password provided by DIP of MOC.

After filing application and other relevant tasks online, applicant is required to provide the original document or the certified one form to DIP of MOC following the due date as stated in the law and other related provisions.

Article 9: Fee

The applicant who files the application and other relevant tasks online shall pay the fees through E-Banking in accordance with joint Brakas No. 1643 SHV.BK dated December 16, 2014 between MEF and MOC, and other effected legislations or legislations which will be amended.

Article 10: The effective of implementation

Director of Cabinet, Director General, Inspector General, Director of DIP and all Directors of Departments under the Ministry of Commerce shall effectively implement this Ministerial Regulation from the date of signature.

CC :

- General Secretariat of Senate
- General Secretariat of Assembly
- General Secretariat of the Royal Government
- Office of the Council of Ministers
- Cabinet of Samdach Hun Sen Prime Minister of the Kingdom of Cambodia
- Cabinet of Deputy Prime Minister Samdech Krala Hom Sar Kheng
- Cabinet of Deputy Prime Minister Bin Chhin
- Ministry of Economy and Finance
- Relevant Ministries-Institutions
- Anti-Corruption Unit (ACU)
- CamControl
- General Department of Customs and Excise of Cambodia
- Municipality and all Provinces
- Document – Archive.

Phnom Penh, 04 May, 2017

Minister of Commerce

PAN Sorasak