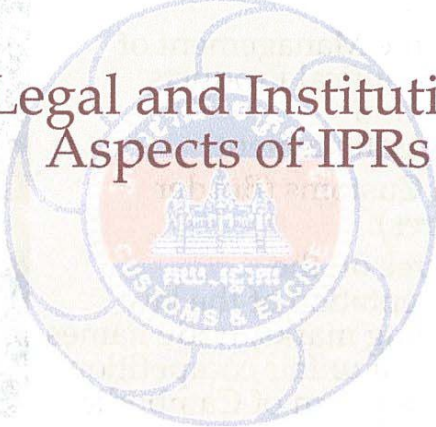




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2. Legal and Institutional Aspect of IPRs
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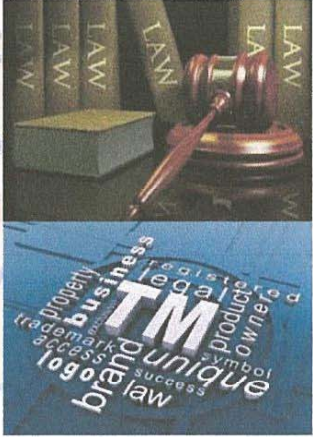
2. Legal and Institutional Aspects of IPRs



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IPRs Laws and Regulations

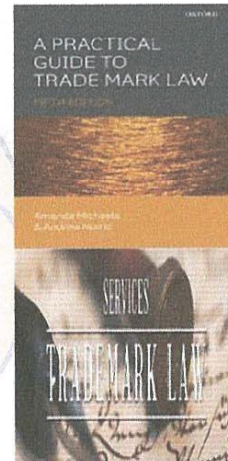
1. Law Concerning Marks, Trade Names, and Acts of Unfair Competition
2. Law on Patents, Utility Model Certificates and Industry Designs
3. Law on Copyright and related rights,
4. Law on the Management of Quality and Safety of Products and Services



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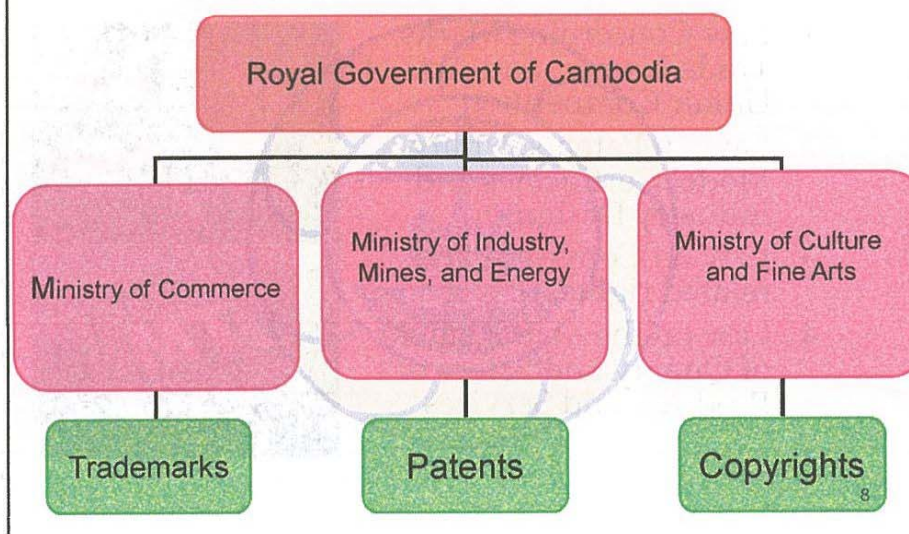
IPRs Laws and Regulations

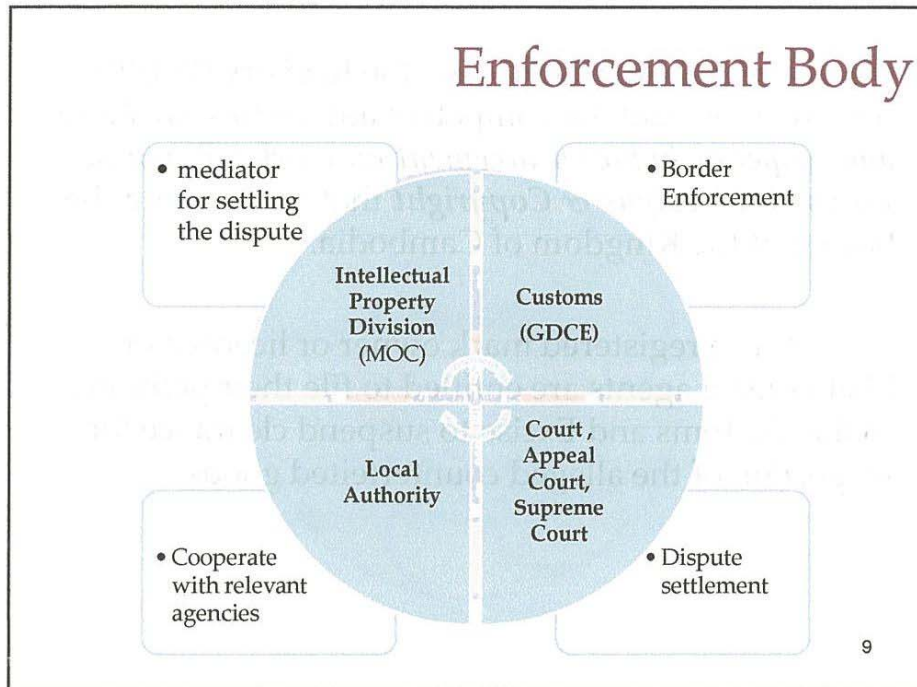
5. Law on Commercial Rules and Register.
6. Law on the Management of Pharmaceutical Products (Border and Market Enforcement)
7. Law on Customs (Border Measures).
8. Sub decree on the implementation of the law concerning marks, trade names and acts of unfair competition of the Kingdom of Cambodia (2006).



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Responsible Ministries





3. Overview of Border Measures

(Law on Marks, Trade Names and Acts of Unfair Competition)

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◆ According to the law, the Registry (D/IPR), the Customs, and the competent authorities *can liaise and cooperate in the enforcement on marks, Patents, Industrial Designs & Copyright* that are crossing the border of the Kingdom of Cambodia.

◆ The registered mark owner or licensee or his/her legal agents are entitled to file their petitions to the Customs and Excise to suspend clearance for inspection of the alleged counterfeited goods.

◆The application may be made to Customs, competent authorities, or the Court by the owner of a trademark registered in the Kingdom of Cambodia to suspend clearance of goods suspected of being counterfeit by proving that he **is the owner of the registered mark.**

◆Any application should be presented in writing and should be accompanied by:

(a)-an extract from the register of marks;

(b)-a statement of the grounds for the application, and in particular the prima facie evidence showing that such trademark goods are counterfeit;

(c)-a complete description of the goods on or in connection with which the trademark is used, together, where appropriate (or requested), with a sample of the bona fide product;

(d)-the name and address of the applicant and of his representative(alternatively: full details of the applicant, as prescribed);

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(e)-an authorization from the owner of the registered trademark, where the application is filed by an authorized representative, and

(f)-the prescribed fee in accordance with the determination of the Ministry of Economy and Finance.

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◆ The official or judge that receives the application must, *within 10 working days, notify the applicant whether the application is granted, rejected, or reserved for further consideration.*

◆ The applicant may be required to provide reasonable *security or equivalent assurance* to protect the importer, consignee, exporter, or owner of the goods

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4. Procedure at Customs

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◆ Once an application for suspension has been granted, the customs procedure is set as follow.

- ①. Clearance of *the goods is suspended*.
- ②. *Customs must inform* the importer and the applicant of the suspension *and the reasons* for it. The importer must also be *notified of the name and address of the applicant*.
- ③. Customs will release the goods *within 10 working days* after the notice of suspension is reserved, unless it is informed that a case on the merits has been initiated other than by the defendant or that provisional measures have been taken.

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◆ The right holder, importer, or exporter may be *allowed to examine the goods while suspended and may remove samples for examination, testing, and analysis* to determine whether they are counterfeit.

◆ An applicant may be *ordered to pay appropriate compensation* to the owner, importer, exporter, or consignee of the goods if they *are wrongfully detained*.

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◆ Authority of Customs on Counterfeits in accordance with *the Law on Marks, Trade Name and Acts of Unfair Competition*.

- Article 43 authorizes Customs *to act on its own initiative* to suspend the clearance of goods if it has *prima facie evidence* that counterfeit trademark goods are being imported or importation *is imminent*.

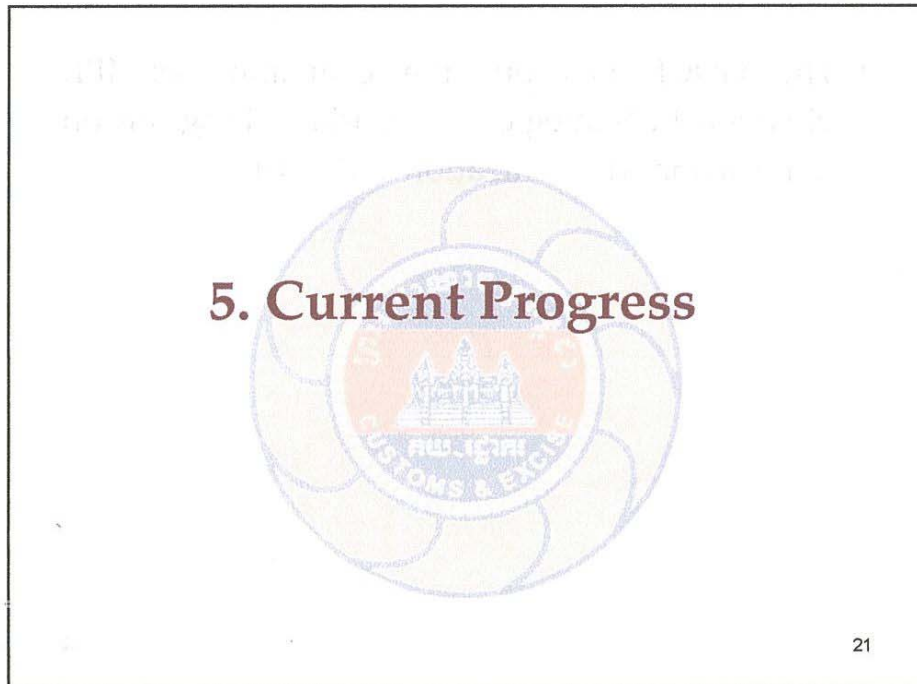
- Article 44 requires Customs *to notify the right holder* of the place and date of suspension, and *authorizes Customs to request any information from the right holder* that will assist them to exercise their authority.

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- Article 45 is *an exemption of indemnification of public authorities and officials* who permit a right holder, importer or exporter to examine and remove suspected counterfeit goods and who release information once goods have been positively identified as counterfeit, as allowed by Art. 42, provided the *actions were taken or intended in good faith*.

- Article 46 authorizes Customs *to destroy or dispose* of infringing goods through the *decision of the court*.

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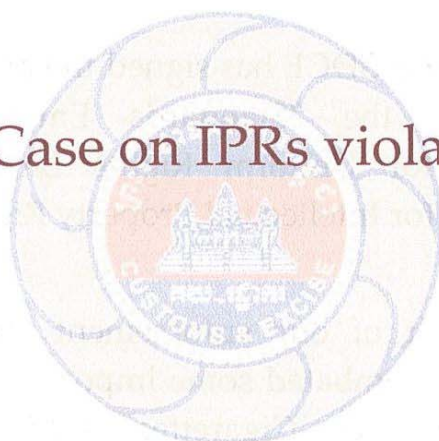
- GDCE has strong commitment to implement the IPR law.
 - Recently, the GDCE has signed the approval to implement the “Standards Employed by Customs for Uniform Rights Enforcement-SECURE” for Intellectual Property Rights.
 - As a result of our enforcement efforts, the GDCE has combated some imported infringed goods such as Cigarettes, Whisky, Beer, counterfeit medicines, etc.
- 22
- This slide contains a bulleted list of three points. A large, faint watermark of the GDCE logo is visible in the background. The slide number '22' is located in the bottom right corner.

- The GDCE has put the combating of IPR violation in Strategic and Working Program on Reform and Modernization 2014-2018

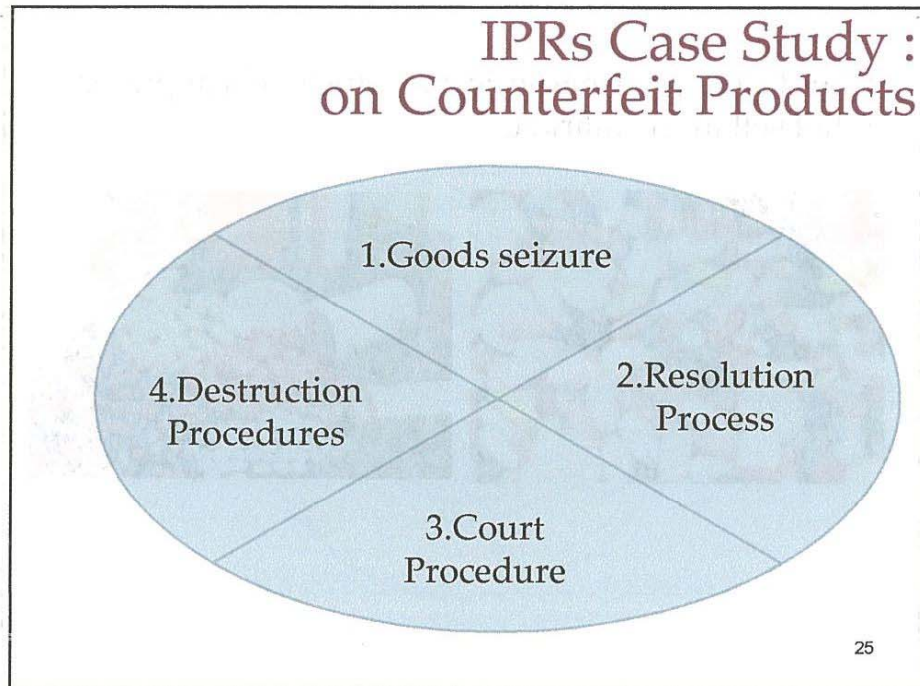


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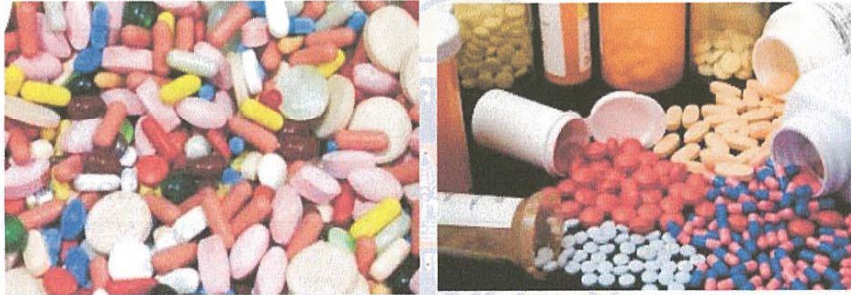
6. Case on IPRs violation



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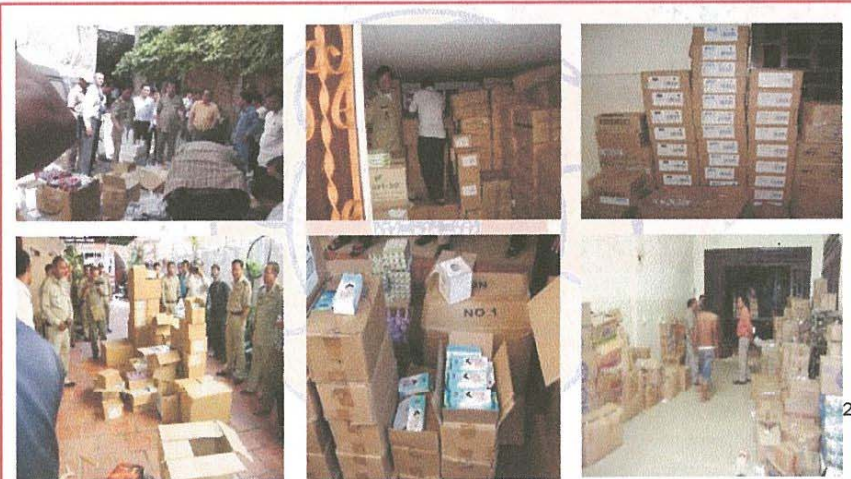


Counterfeit pharmaceutical products which put on retail sell in the market.



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សកម្មភាពនៃ ការចុះបង្ហាញផលិតផលក្លែងក្លាយ
(Enforcement Actions)



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1. The banner to the public to be careful of counterfeit medicine.
2. Counterfeit medicine were destroyed completely.

Kompong Thom Customs Branch in collaboration with Local Police seize the counterfeit goods (Such as Cokes and Noodles) imported from neighboring countries.

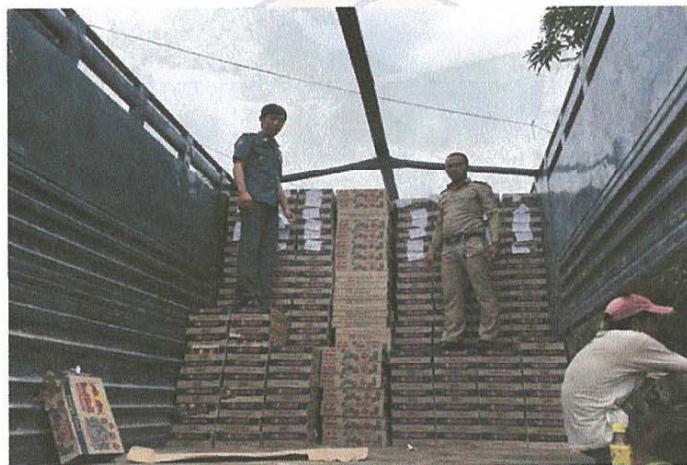


Counterfeit Whisky imported through Poi Pet border. The mix committee including Customs, Police and Camcontrol seized in April 2015



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Counterfeit Energy drink imported through Poi Pet border. The mix committee including Customs, Police and Camcontrol seized in July 2015



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IPR National Seminar On “Combating Counterfeit and Piracy Products” in Collaboration with WCO and CCF, Phnom Penh 11 – 13 January 2014



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The meeting of FSP Mekong Project for Anti -
Counterfeit Medicines In Prey Veng province



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Sensitive Areas to the Society

- Health Related Products
 - ✓ Medicine
 - ✓ Foods and drinks
 - ✓ Beauty related products: shampoo, skincare products, perfume etc
- Safety related products
 - ✓ Electronic goods, Home appliance products
 - ✓ CD, DVD
- Capacity Building to Customs Officers Needed

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**Thank You
For Your Attention**

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