

Kingdom of Cambodia  
Nation Religion and King  
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- unofficial translation -

Ministry of Industry, Science, Technology & Innovation  
No. 079 MISTI/2021

**PRAKAS**  
**on**  
**An accelerated Patent Grant**  
**under the Cooperation with the United State Patent Trademark Office**  
**related to the patent application in Cambodia**

**SENIOR MINISTER, MINISTER OF THE MINISTRY OF INDUSTRY, SCIENCE,  
TECHNOLOGY & INNOVATION**

**COOPERATION FOR ACCELERATED GRANT  
OF PATENT APPLICATIONS IN CAMBODIA**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0918 /925 dated September 06, 2018 on the appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Decree N° NS/RKT/0320/421 dated March 30, 2018 on the nomination and revision of Government composition of the Royal Government of Cambodia;
- Having seen the Royal Kram N° NS/RKM/0618 dated June 28, 2018 promulgating the law on organization and functioning of the Council of Ministers;
- Having seen the Royal Kram N° NS/RKM/0320/009 dated March 26, 2020 promulgating the law on the establishment of the Ministry of Industry, Science, Technology & Innovation;
- Having seen the Royal Kram N° NS/RKM/0103/005 dated January 22, 2003 promulgating the law on the patent and utility model certificates and industrial designs;
- Having seen the Royal Kram N° NS/RKM/1117/016 dated November 22, 2017 promulgating the amendment of Article 37, Article 38, Article 109 and article 136 of the law on the patent, utility model certificates and industrial designs;
- Having seen the Sub-Degree N° 48 ANKR.BK dated April 06, 2020 on organization and functioning of the Ministry of Industry, Science, Technology & Innovation;
- Pursuant to the necessary of the Ministry

**DECIDE**

**SECTION 1**  
**GENERAL PROVISION**

Rule 1.-

This Prakas regulates an accelerated patent grant under the cooperation for accelerated grant of patent application in Cambodia-related patent application from the United State Patent Trademark Office (USPTO) and, in accordance with the law on patent and utility model certificates and industrial designs and the law on the amendment of Article 37, Article 38, Article 109 and Article 136 of the law on the patent, utility model certificates and industrial designs.

## SECTION 2

### THE ACCELERATION PATENT GRANT

**Rule 2.-**

The accelerated patent grant under cooperation for accelerated grant of patent application in Cambodia-related patent application from United State Patent Trademark Office shall be made at the Department of Industrial Property of the General Department of Industry of the Ministry of Industry, Science, Technology & Innovation.

**Rule 3.-**

Applicant can request for an accelerated patent grant for patent applications that had been filed with the Department of Industrial Property of the General Department of Industry of the Ministry of Industry, Science, Technology & Innovation, by using search and examination results made the United State Patent Trademark Office.

**Rule 4.-**

The request for an accelerated patent grant can be used only for the patent application that had been filed at Department of Industrial Property of The General Department of Industry of The Ministry of Industry, Science, Technology & Innovation that has following criteria:

- 1- A patent application validly claiming priority under the Paris Convention based on the corresponding USPTO patent application; or
- 2- A patent application that serves as the basis for validly claiming priority under the Paris Convention of the corresponding USPTO patent, including a PCT patent application that entered the national phase, or
- 3- A patent application that is based on the same patent application for claiming priority under the Paris Convention, as the corresponding USPTO patent application, including a PCT patent application that entered the national phase.

**Rule 5.-**

For request for an accelerated patent grant, applicant shall be followed by the Form as attached in Annex 1 and shall fulfill as following:

- a- Title of the invention;
- b- Date of filing;
- c- Patent Application number;
- d- Applicant name;
- e- Patent application corresponding to USPTO;
- f- A attached documents shall accompany the following:
  - i- A copy of the corresponding USPTO patent application, which had been published in patent gazette in USPTO patent application and with USPTO certified;
  - ii- Translation of claims and specification described in the patent gazette in Khmer language. Applicant may submit this translation within (6) six months of the date on which the request for the facilitating Patent Grant of Cambodia-related patent application was filed.

### iii-Claims correspondence table

#### Rule 6.-

The request for an accelerated patent grant can be accepted only for the patent application corresponding to patent application filed at USPTO that has following criteria:

- 1- There must be a USPTO patent application that has the same earliest date as the patent application filed at Ministry of Industry, Science, Technology & Innovation on which Acceleration is requested;
- 2- The corresponding USPTO patent application has been determined to be patentable by the USPTO;
- 3- Shall have the claims in the patent application that had been filed at the MISTI and in which one or more claims in the corresponding to USPTO patent application determined to be patentable by the USPTO.

#### Rule 7.-

The request for an accelerated patent grant under the cooperation for accelerated grant of patent application in Cambodia-related patent application from the United State Patent Trademark Office (USPTO) under this Prakas is free of charge.

## **SECTION 5 FINAL PROVISION**

#### Rule 8.-

Any provision that its meaning contrary to this Prakas shall be considered as null and void.

#### Rule 9.-

Chief of Cabinet, Director General, General Inspector, Chief of Center, Director of Department of Industrial Property, Director of Legal Department, all Institutions under the Ministry of Industry, Science, Technology & Innovation, All Directors of the Municipal-Provincial Departments of Industry, Science, Technology & Innovation shall have duty to implement this Prakas from the date of signing.

Phnom Penh, 29 March 2021

**Senior Minister,  
Minister of the Ministry of Industry, Science, Technology & Innovation**

***Kitti Sattha Pandita CHAM Prasidh***

CC:

- Cabinet of Samdach Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdach Kralahom Deputy Prime Minister
- Council of Ministers
- Ministry of Economic and Finance
- All Ministries, Institutions concerned
- Municipality, Provincial Halls  
"for information"
- As Rule 9 "for implementation"
- Document- Achieve