

The Procedure for Certification and Recordal of Letter Granting Exclusive Rights on Mark in Cambodia

On June 15, 2021, the Ministry of Commerce (“**MOC**”) issued Prakas No. 0117 on Procedure for Certification and Recordal of Letter Granting Exclusive Rights on Marks in Cambodia (“**Prakas**”), applying new and genuine product(s) with mark registration in Cambodia.

Following the acquisition of certification on the exclusive rights on the mark or recordal of letter granting exclusive rights on mark in Cambodia, the exclusive right holders can enjoy their rights to import, and distribute goods in Cambodia exclusively and may file a complaint to the General Department of Custom and Exercise, competent authority, or court against any violator(s) who import and/or distribute exclusive-right product(s) without their consent. The right prescribed in the preceding sentence is also applicable for parallel importation.

Having said that, the exclusive right on the product(s) shall be exhausted when the product(s) under the exclusive right is being sold in the market. Further, the exclusive rights on the mark are not granted for the following items:

- 1) All kinds of used goods;
- 2) Medical product for human or animal(s);
- 3) Fertilizer or pesticide for agricultural purpose(s); and
- 4) Prohibited goods which are stated under applicable laws or regulations.

On top of this, the certification on the exclusive rights on the mark or recordal of letter granting exclusive rights on mark granted by the MOC does not restrict the importation of goods under the exclusive rights of public institutions and/or for the purpose of non-commercial, public interests, humanitarian and any other purpose(s) and/or activities as prescribed under Article 6 of the Prakas.

The right holder shall apply for the recordal of the exclusive right on the mark at the Department of Intellectual Property, of the MOC, within 06 (six) months from the signature date or effective date of letter of granting the exclusive right. The certification or recordal letter is valid for 02 (two) years and can be extended upon the request.

Should any additional information be required regarding this legal alert or if you have any further inquiry, please contact our team at info@anlor.legal or reach out to our professionals below:



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