

ARTICLE

CAMBODIA JOINS THE EUROPEAN ... PATENT ORGANISATION



Patent Law | 30/04/18 | François Pochart Geoffroy Thill

The European Patent Organisation (EPO) confirms its expansion. The EPO now rallies 44 states far beyond the European borders. The EPO has indeed signed agreements with Morocco and Tunisia and from now on with Cambodia; that one might regard as an old reminiscence of the former French protectorates from the beginning of the 20th century.

The agreement on the validation of European patents signed between the Government of the Kingdom of Cambodia and the EPO entered into force on 1 March 2018. Validation in Cambodia is deemed requested for any European or international application filed on or after 1 March 2018^[1].

From now on, applicants may get a protection in Cambodia with no need to file a national patent. In order to validate the effect of the European patent application for Cambodia, a validation fee has to be paid in due time. The validation fee shall be paid within six months from the date on which the European Patent Bulletin mentions the publication of the European search report or at the entry into the European phase of an international application^[2].

After joining the Madrid Protocol in June 2015, the Patent Cooperation Treaty (PCT) in December 2016, the Hague System in February 2017, and with the validation of Chinese patents in Cambodia from 28 March 2018^[3], the entry into force of the agreement reflects the strengthening of the IP policy in Cambodia.

It should also be stressed that patents on pharmaceutical products are not enforceable in Cambodia. Indeed, Cambodia benefits from a waiver allowing least developed countries to avoid granting and enforcing IP rights on pharmaceutical products until 1 January 2033^[4]. Applicants can however benefit from a “mailbox system” and file patent applications on pharmaceutical products which will only be examined after the lifting of the exemption.

[1] Validation in Cambodia is not available for patent applications filed before the entry into force of the agreement ; JO OEB 2018, A16

[2] The validation fee is EUR 180 ; JO OEB 2018, A15.

[3] Chinese patents filed after 22 January 2003 and in good order can be validated in Cambodia from March 28, 2018, *Chinese patents to get validation in Cambodia* Kluwer IP Reporter

[4] Extension of the transition period under article 66.1 of the TRIPS Agreement for least developed country members for certain obligations with respect to pharmaceutical products, Decision of the Council for TRIPS of 6 November 2015 (IP/C/73)

