**Commercialization of Inventions in Cambodia**

**IP** **strategies in Cambodia**

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How to respond to a patent infringement allegation in Vietnam

1. Commercialization of inventions is a strategic instrument for IP asset management.  To make use of its knowledge and innovation, companies are now starting to think of using this asset as the basis of their business strategy.  This concept is even more important for small and medium-sized enterprise for which the capital or physical assets are scarce and difficult to obtain.  Unlike other assets, the value of IP assets will be substantially increased through proper use and legal protection.  In this regard, many young emerging economies have counted on the importance of intellectual property rights protection as a key instrument for economic development and endeavor to use this instrument in the economic, social, scientific and technological strategic development of each country.

2.   In Cambodia, Government policy concerning the commercialization of inventions is yet to be defined, but this concept has been acknowledged and confirmed by Government representative during the working party meetings for Cambodia’s accession to the WTO.  The final version of Cambodia’s working party report has stated the Government’s firm commitment concerning this issue.  Paragraph 168 of the working party report has clearly underscored this commitment “…the Government considered the protection of intellectual property rights essential for the fostering of economic development, to stimulate foreign investment and the transfer of technology, and to facilitate Cambodia’s integration into the world economy…”.  With this recognition of the importance of foreign direct investment as a means to develop the national economy and its relationship to the proper protection of intellectual property, this statement also acknowledges the importance of technology transfer which will be used as a source of innovation and further commercialization under the protection of a proper IP regime.

3. To secure the protection of IPR and having a proper IP regime for this purpose, Cambodia also committed itself during its WTO accession as stated in Paragraph 169 that “… Government had been drafting new legislation with the help of foreign experts and WIPO to bring Cambodia’s legislation into line with the TRIPS Agreement including a Law on Marks, Trade Name, and Acts of Unfair Competition, promulgated on 7 February 2002;  Law on Patents, Utility Models and Industrial Designs promulgated on 22 January 2003, and a Law on Copyright and Related Rights promulgated on 05 March 2003.  Further laws on Geographical Indications, Layout Design of Integrated Circuits, Protection of Undisclosed Information and Trade Secret, and Plant Variety Protection were in preparation and expected to be promulgated in the near future.  Cambodia was also working on a new Civil Code, scheduled for adoption in 2004, which would backstop the protection of intellectual property…”.  Further, Cambodia also confirmed this commitment by providing detailed information on the implementation of the TRIPS Agreement and submitted an Action Plan for the enactment of IP laws to the WTO secretariat.  Moreover, an IP administrative and management regime has been established in the three responsible ministries as stated in paragraph 171 & 172 “…The Department of Intellectual Property of the Ministry of commerce was responsible for the formulation and implementation of policy regarding trademarks.  The Ministry of Industry, Mines, and Energy was in charge of patents and industrial designs, the Ministry of Culture and Fine Arts of Copyrights and Related Rights and also recognized the collective management of these rights, and the Ministry of Information recognized the collective management organizations of broadcasting rights.  Further, the Government of Cambodia also intends to rationalize its administrative arrangements by establishing a single agency in charge of the administration of rights subject to grant and patent registration in cambodia, [Trademark Registration in Cambodia](http://kenfoxlaw.com/practice-areas/cambodia/trademark.html) and [Registration of Industrial Design in Cambodia](http://kenfoxlaw.com/practice-areas/cambodia/industrial-design.html).  For the time being, Cambodia has established a committee to govern the three areas of Intellectual Property Rights and it has a mandate to coordinate the technical and administrative procedures of the various agencies with IPR responsibilities.

4. Realizing that, at the present time, the value of IP is often not adequately appreciated and its potential for providing opportunities for further profit is widely underestimated by most of the business community in Cambodia, the Government has opted to promote the commercialization of IP assets through regular workshops or short training courses given to provincial entrepreneurs, businessmen and local administrators in order to help them understand the value of their assets, to prepare themselves to face challenges and to take proper measures to exploit their IP and also help to protect its value under the available laws and regulations.  Each workshop or training course attempted to promote the understanding of IP rights which will be a substantial source for generating income for business through licensing, commercializing or use under the simple connotation as a sale of IPR from one party to another, and also the protection of these rights through a proper IP regime so that their value will significantly improve market share and raise profit margins for those business.  Further, the workshops also attempted to highlight the strategic utilization of IP assets to enhance competitiveness of each company starting from product design and service delivery to marketing of its brand name. Through this activity, businessmen and local entrepreneurs and especially small and medium-sized enterprises will have a chance to learn more about IP protection and Intellectual Property Rights acquisition in order to avoid disputes and expensive litigation.

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