

**AGREEMENT BETWEEN
THE ROYAL GOVERNMENT OF THE KINGDOM OF CAMBODIA
AND THE EUROPEAN PATENT ORGANISATION
ON VALIDATION OF EUROPEAN PATENTS**

(VALIDATION AGREEMENT)

THE ROYAL GOVERNMENT of THE KINGDOM OF CAMBODIA (hereinafter referred to as "Cambodia"), represented by His Excellency Dr. Cham Prasidh, Senior Minister, Ministry of Industry and Handicraft, hereinafter referred to as "the MIH"

and

THE EUROPEAN PATENT ORGANISATION (hereinafter referred to as "the Organisation"), represented by Mr. Benoît Battistelli, President of the European Patent Office (hereinafter referred to as "the EPO")

HAVING REGARD

to the Convention on the Grant of European Patents of 5 October 1973 as last revised by the Act revising the European Patent Convention of 29 November 2000 (hereinafter referred to as "European Patent Convention") and, in particular, Article 33(4) thereof,

to the Law of Cambodia on the Patents, Utility Model Certificates and Industrial Designs of 22 January 2003,

TAKING INTO ACCOUNT

that the Law of Cambodia on the Patents, Utility Model Certificates and Industrial Designs provides for a level of protection similar to that existing in the member states of the Organisation, except for the patent protection concerning pharmaceutical products since Cambodia benefits from the WTO waiver allowing the least developed Country members to choose whether or not to protect pharmaceutical products by patents till 2033,

that Cambodia will provide for a system enabling the effects of European patent applications and patents to be validated on request in its territory by introducing in its national legal framework provisions implementing the validation system (hereinafter referred to as "validation system"),

WHEREAS

Cambodia is a party to the Patent Cooperation Treaty and has designated the EPO as International Searching and Preliminary Examining Authority under the said Treaty,

RECOGNISING

the need fully to apply the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as "TRIPs Agreement"),

CONVINCED

that the establishment of a validation system between the Organisation and Cambodia is of mutual interest and will strengthen the protection of industrial property in Cambodia and, at the same time, make the European patent system more attractive,

HAVE AGREED AS FOLLOWS:

Article 1

Subject of the Agreement

The contracting parties shall co-operate within the scope of this Agreement to develop an efficient system of validation of European patents in Cambodia.

Article 2

Technical and legal assistance

Within the scope of its capabilities the Organisation shall provide Cambodia with technical and legal assistance necessary for the implementation of the validation system.

Article 3

Legal and administrative co-operation

- (1) The contracting parties shall regularly exchange information on legal developments relating to their respective patent system.
- (2) If requested by Cambodia, the Organisation shall within the scope of its capabilities give advice on proposals for enacting or amending legal provisions relating to Cambodia's patent system.

Article 4

Processing of requests for validation

- (1) The EPO shall accept, process and publish any request for validation of European patents in Cambodia and shall communicate to the MIH any necessary information regarding the proceedings relating to the European patent applications and patents concerned.
- (2) Within the scope of its capabilities, the EPO shall on request give assistance to the MIH by communicating any other useful information.

Article 5

Information concerning validated European patents

The MIH shall inform the EPO of the legal status of any validated European patent, in particular of its being void, of its lapse, renunciation, limitation or revocation.

Article 6

Financial matters

For each request for validation, a validation fee shall be due to the EPO. The President of the EPO shall lay down the amount of the validation fee and the proportion thereof to be kept by the EPO upon an agreement between the EPO and the MIH.

Article 7

Joint committee and Technical working group

- (1) A joint committee shall be set up to discuss all matters arising from this Agreement and its implementation. The committee shall be composed of representatives of the EPO and the MIH. Representatives of other government bodies of Cambodia involved in or directly affected by the implementation of this Agreement may be consulted.

- (2) The committee shall meet on the initiative of either the Head of the MIH or the President of the EPO. The agenda for each meeting, the venue and date thereof, shall be fixed by agreement between the MIH and the EPO.
- (3) The committee shall supervise the activities of a technical working group dealing with specific legal and technical issues arising from the implementation of this Agreement.

Article 8

Implementation of the Agreement

- (1) The tasks incurred by the contracting parties in consequence of this Agreement shall be carried out by the EPO and the MIH. The EPO may entrust individual tasks under Article 2 of this Agreement to the patent offices of the contracting states to the European Patent Convention, subject to their consent.
- (2) The details of the implementation of this Agreement shall be fixed by agreement between the Head of the MIH and the President of the EPO.

Article 9

Amendment of the Agreement

At the request of the Organisation or of the Royal Government of Cambodia, the contracting parties shall enter into negotiations on amending this Agreement.

Article 10

Duration and termination of the Agreement

- (1) This Agreement shall be concluded for a period of five years, and shall be extended for further five-year periods unless a contracting party objects to this in writing no later than six months prior to the end of the five-year period in force.
- (2) Notwithstanding paragraph 1, this Agreement may be terminated at any time in writing by either contracting party; termination shall take effect one year after receipt by the other party of the notice of termination, unless the said notice specifies a longer period or the contracting parties agree on a shorter period.

- (3) If this Agreement is terminated, Articles 4 to 6 shall continue to apply to any European patent application in respect of which a request for validation has been filed prior to termination, and to any European patent granted thereon.

Article 11

Entry into force

The date of entry into force of this Agreement shall be determined by an exchange of notes between the MIH and the EPO, following the enactment by Cambodia of provisions in accordance with those attached to this Agreement.

Article 12

Transitional provisions

This Agreement shall not apply to European patent applications seeking protection for pharmaceutical products and European patents granted upon such applications to the extent to which the transitional period under Article 66.1 of the TRIPS Agreement as well as the decisions of the Council for TRIPS on the extension of this transitional period apply to Cambodia.

Done at Phnom Penh on 23 January 2017, in two originals in each of the Khmer, English, French and German languages. In the event of ambiguity, conflict or discrepancy between the four language versions, the English version shall prevail for interpretation purposes.

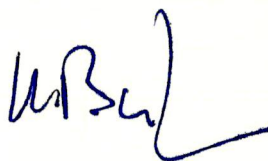
For the Royal Government of the
Kingdom of Cambodia



CHAM Prasidh

Senior Minister,
Minister of Industry and Handicraft

For the European Patent Organisation



Benoît BATTISTELLI

President of the European
Patent Office