

Procedural Guidelines
on Requesting Accelerated Patent Decisions
based on the Patent Recognition Program
of a Cambodia-related patent application
between the Korean Intellectual Property Office
and the Ministry of Industry & Handicraft of Cambodia

Applicants can request an accelerated decision on patent grant in Cambodia for patent applications that they have filed with the Department of Industrial Property (DIP) of the General Department of Industry of the Ministry of Industry & Handicraft (MIH) of Cambodia (hereinafter referred to as the “MIH patent applications”) under the Patent Recognition Program (hereinafter referred to as the “PRP”) that uses examination results made by the Korean Intellectual Property Office (KIPO) on the corresponding patent applications filed earlier with KIPO.

In requesting the accelerated patent decision based on the PRP, applicants must meet the following requirements and submit required documents to the MIH, including a request form.

1. Requirements for Making Requests

- (a) There must be a Korean patent application which has the same earliest date (either a priority date or a filing date) (hereinafter referred to as the “corresponding KIPO patent application”) with the MIH patent application for which the PRP participation request is made.

The MIH patent application must be one of the followings:

Case I: A patent application validly claiming priority under the Paris Convention based on the corresponding KIPO patent application. (Examples are provided in Figure A, B, C and D in Annex 1); or

Case II: A patent application that serves as the basis for validly claiming priority under the Paris Convention of the corresponding KIPO patent application including a PCT patent application that entered the national phase. (Examples are provided in Figures E and F in Annex 1); or

Case III: A patent application that is based on the same patent application for claiming priority under the Paris Convention, as the corresponding KIPO patent application including a PCT patent application that entered the national phase. (Examples are provided in Figures G, H, I, J, K, L and M in Annex 1); or

Case IV: A PCT national phase application where both of the corresponding KIPO patent

application and the MIH patent application are derived from a common PCT international application having no priority claim. (Example is provided in Figure N in Annex 1)

- (b) The corresponding KIPO patent application has been granted by KIPO.
- (c) The patent applications whose filing dates are after January 22, 2003 are allowed to be filed with the MIH taking advantage of the PRP.
- (d) All the claims in the MIH patent application requesting accelerated patent decisions based on the PRP have been amended as required, so that the claims are the same as one or more claims in the corresponding KIPO patent application granted by KIPO

Applicants are allowed to delete a part of the claims that were granted by KIPO (Still, such claims will be considered to be “the same” with the ones in the corresponding KIPO patent application.). In case of deletion, however, it is necessary to make the deleted claims present on the “claims correspondence table” in a way that shows the correspondence between the claims in the corresponding KIPO patent application and those in the MIH patent application.

It should be noted that when the application filed with the MIH has a claim which introduces a new/different substance, compared to the claims in the corresponding KIPO patent application, the two applications are not deemed identical to each other. For example, when the claims in the corresponding KIPO application are only about a process for manufacturing a product, the claims in the MIH application are not considered to be “the same” if they introduce product claims that rely on the corresponding process claims.

2. Documents to be submitted

The following documents from i to iv must be submitted when requesting the PRP:

- i. A request form
- ii. A certified copy of the Korean patent gazette enclosed in the corresponding KIPO patent application
- iii. A translation of claims and specification published in the Korean patent gazette into English and into Khmer
Translator into Khmer must provide a self-declaration on their translation. Applicants must submit a translation of the Korean patent gazette into Khmer within one (1) month from the date on which the request for the PRP was filed.
- iv. Claims Correspondence Table

Applicants must submit a claims correspondence table that shows the correspondence between all the claims in the MIH patent application and those in the corresponding KIPO patent application that were determined to be patentable.

When the number for the claims in the MIH patent application has become misaligned from the number for the claims in the corresponding KIPO patent application due to the deletion of claims, applicants will be asked to state the claims in a way that clearly shows the correspondence between them.

3. Request Form

Subject: Request for an accelerated patent decision under the PRP

Date of filing:

Patent application number:

Title of the invention:

Applicant:

Agent name:

Agent address:

This patent application validly claims priority under the Paris Convention to the corresponding KIPO patent application (patent application number: _____), and requests the PRP. For this purpose, the following documents are attached:

- A copy of the Korean patent gazette enclosed in the corresponding KIPO patent application
- Translation of claims and specification published in the Korean patent gazette into English
- Translation of claims and specification published in the Korean patent gazette into Khmer
(Translator must provide a self-declaration.)

(Note) Applicant must submit the translation within **one (1)** month from the date on which the request for the PRP was filed.

- Claims correspondence table

Claims correspondence table

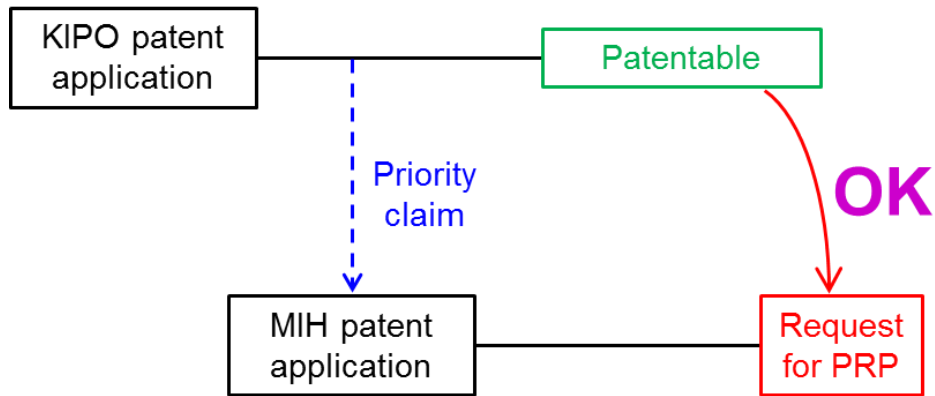
The claim in the MIH patent application	The patentable claim in KIPO patent application	Comments on correspondence

Examples

The claim in the MIH patent application	The patentable claim in KIPO patent application	Comments on correspondence
1	1	
2	2	
3	6	Claim 3 is the same as the patentable claim 6 in KIPO application. Patentable claims 3, 4 and 5 in KIPO application have been deleted.
4	7	Claim 4 is the same as the patentable claim 7 in KIPO application. Patentable claims 3, 4 and 5 in KIPO application have been deleted.
5	8	Claim 5 is the same as the patentable claim 8 in KIPO application. Patentable claims 3, 4 and 5 in KIPO application have been deleted.

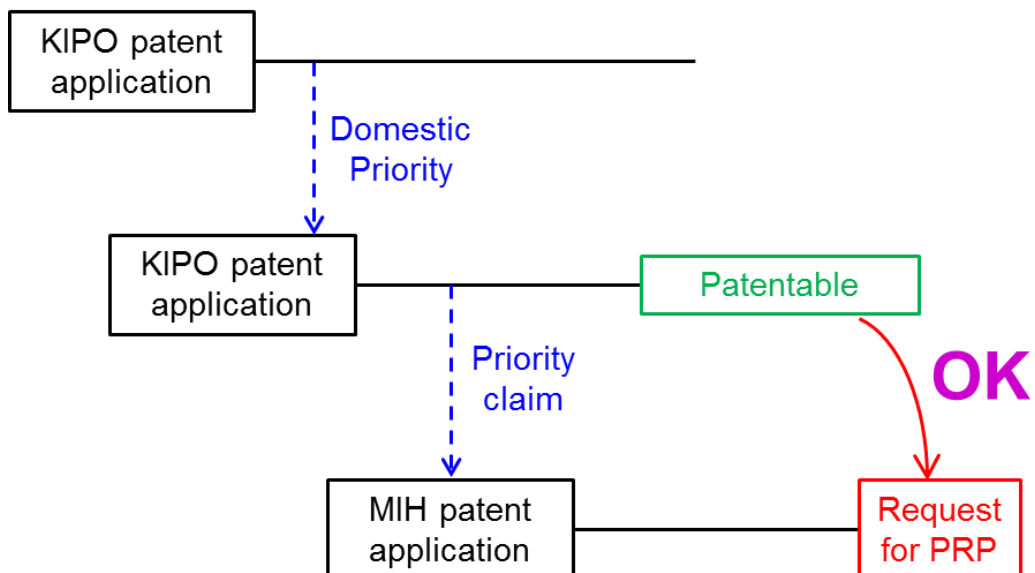
(A) A case meeting requirement (a) (I)

- Paris route -



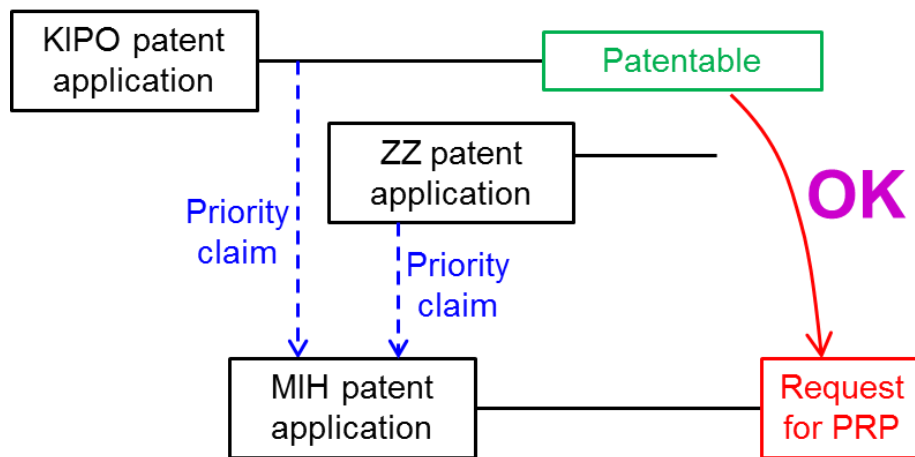
(B) A case meeting requirement (a) (I)

- Paris route, Domestic priority -



(C) A case meeting requirement (a) (I)

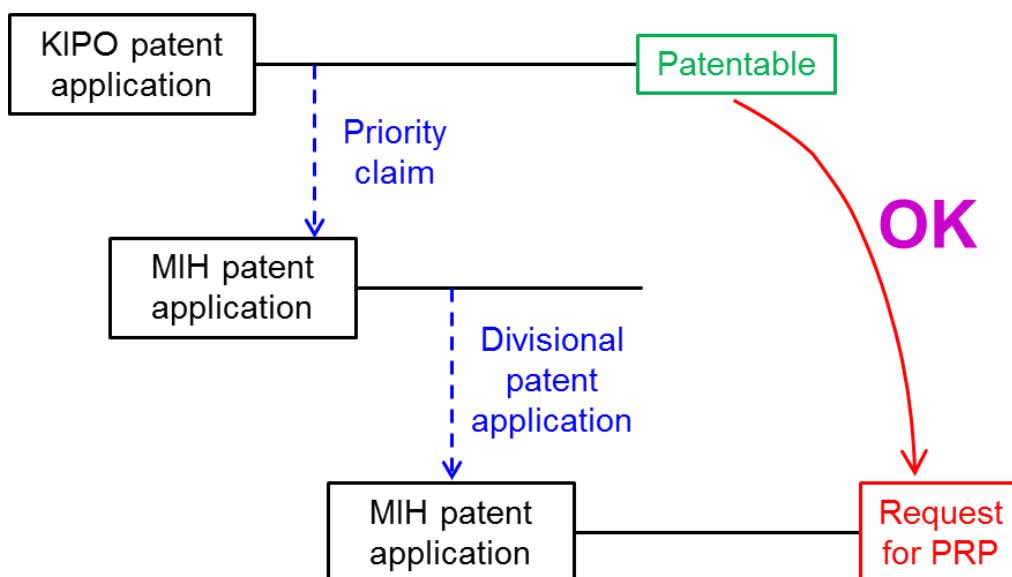
- Paris route & Complex priority -



ZZ : any office

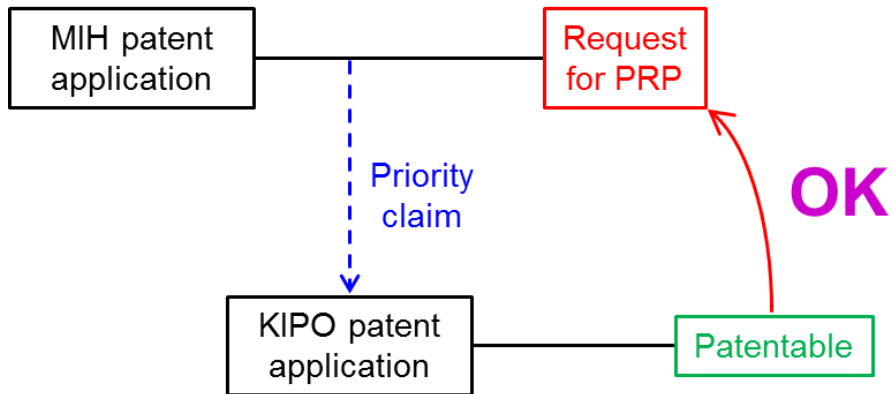
(D) A case meeting requirement (a) (I)

- Paris route & Divisional patent application -



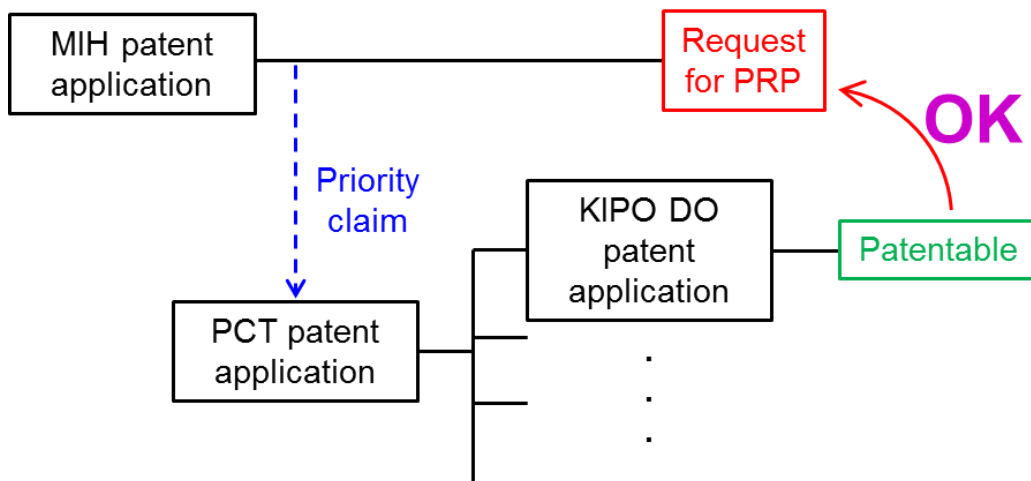
(E) A case meeting requirement (a) (II)

- Paris route -



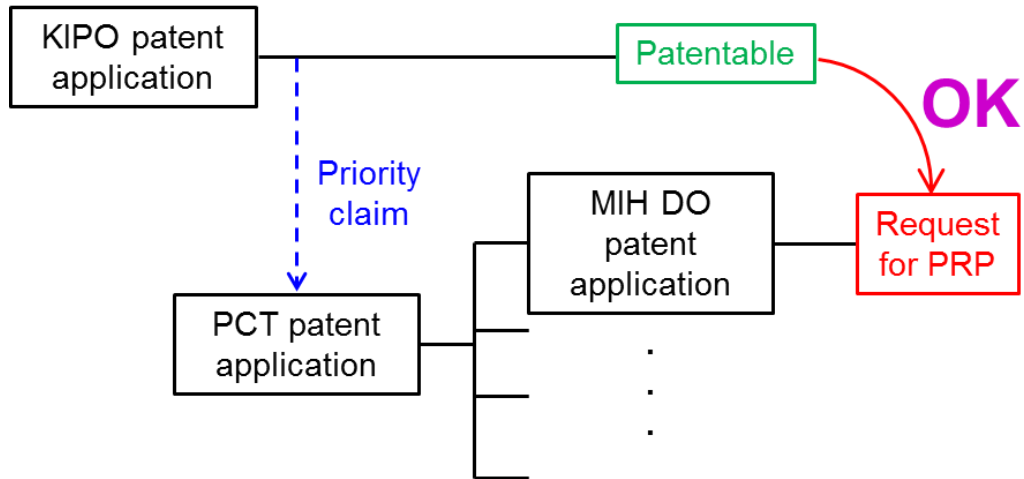
(F) A case meeting requirement (a) (II)

- PCT route -



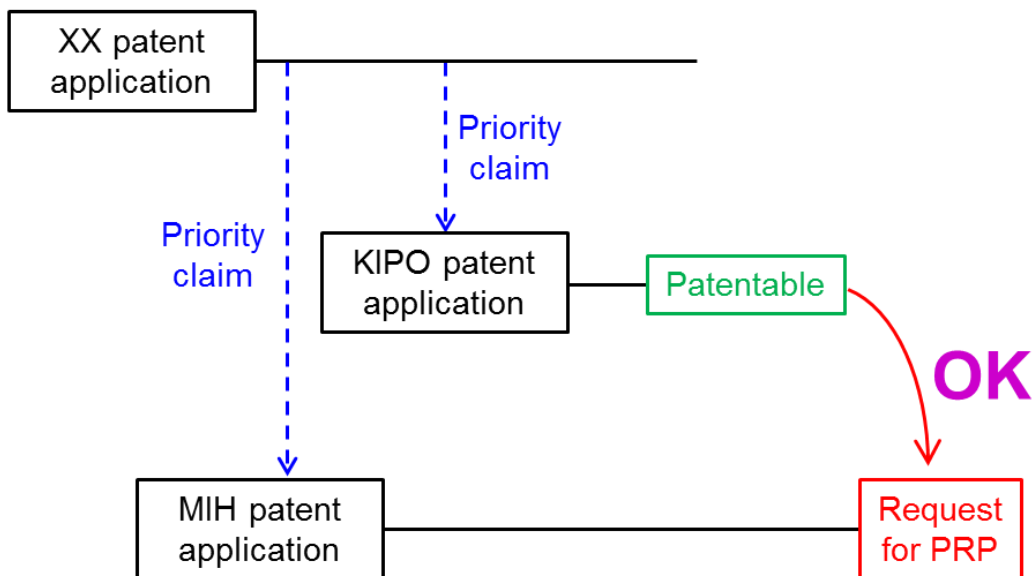
(G) A case meeting requirement (a) (III)

- PCT route -



(H) A case meeting requirement (a) (III)

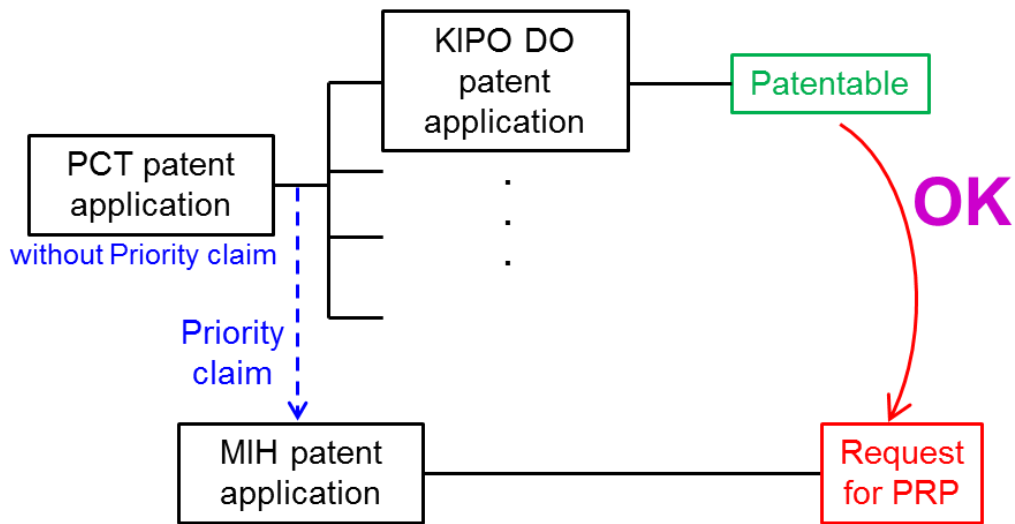
- Paris route, but the first patent application is from the third country -



XX : the office other than the KIPO

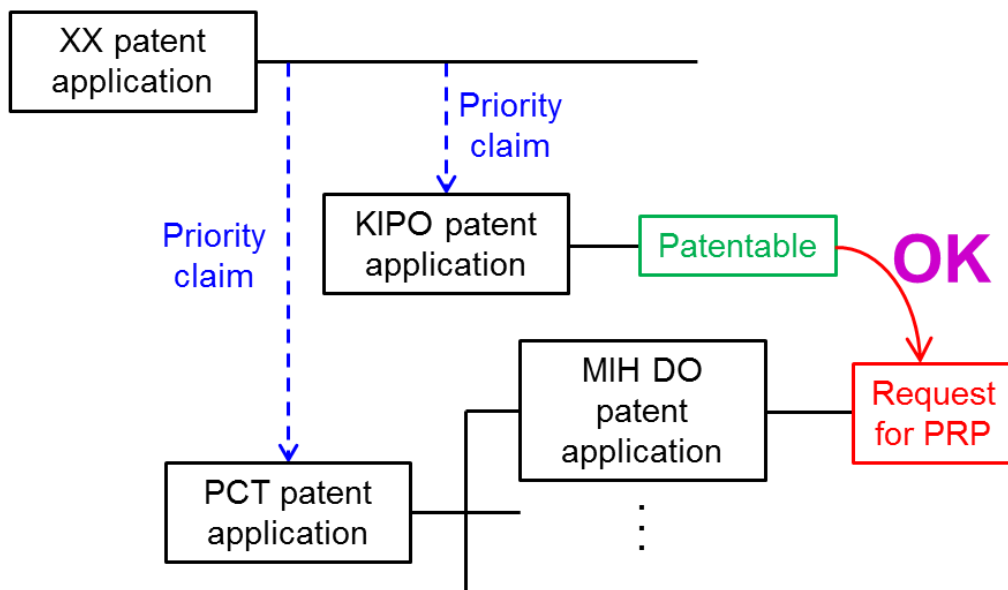
(I) A case meeting requirement (a) (III)

- Direct PCT & Paris route -



(J) A case meeting requirement (a) (III)

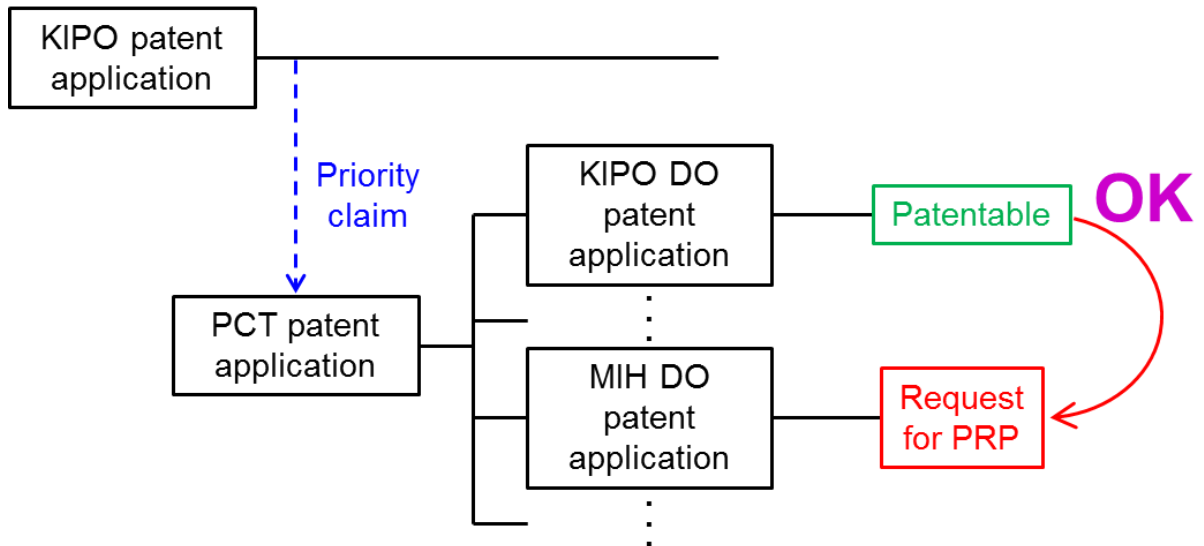
- PCT route, but the first patent application is from the third country -



XX : the office other than the KIPO

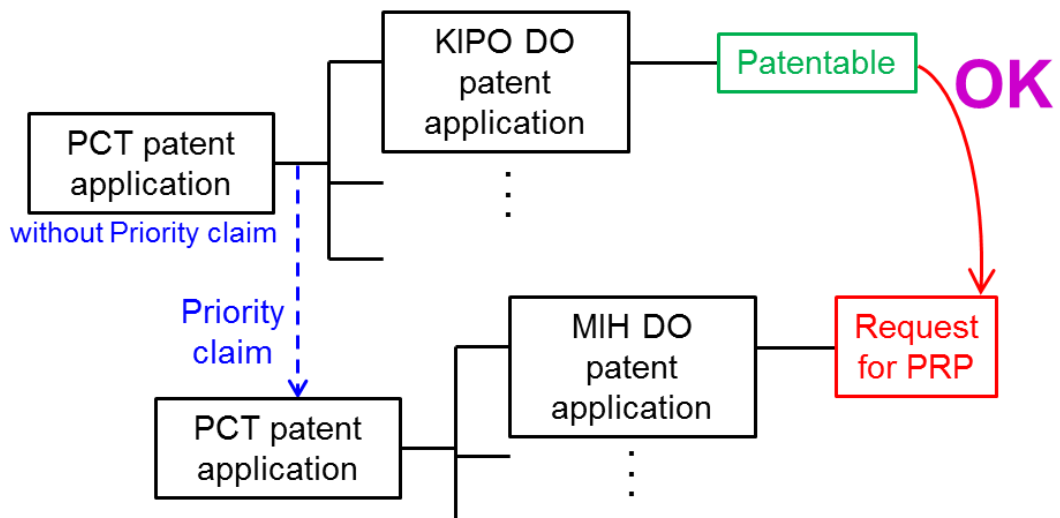
(K) A case meeting requirement (a) (III)

- PCT route -



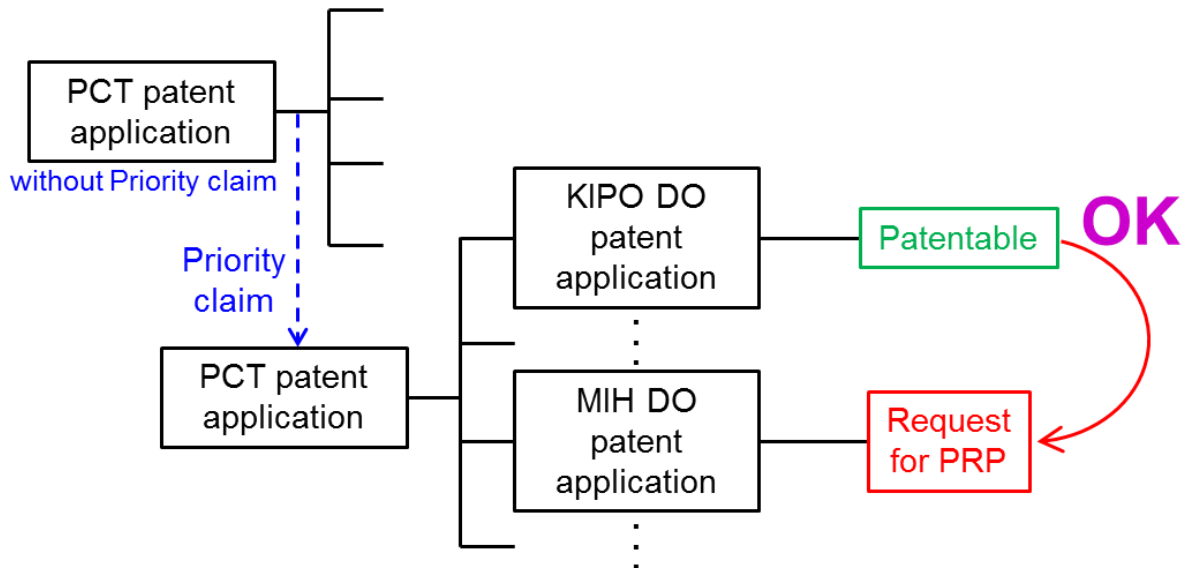
(L) A case meeting requirement (a) (III)

- Direct PCT & PCT route -



(M) A case meeting requirement (a) (III)

- Direct PCT & PCT route -



(N) A case meeting requirement (a) (IV)

- Direct PCT route -

