



Technical Update

March 2020

Intellectual Property – Recordal of Mark License Agreement and Franchise Agreement

Ministry of Commerce (MoC) – Prakas No. 036 dated 13 January 2020 on the Recordal of Mark License Agreement and Franchise Agreement

This Prakas aims to promote and strengthen intellectual property protection, technology transfer and skills, investment, business operations and fair competition under licensed marks (trademarks and service marks) and for franchises in the Kingdom of Cambodia.

The Prakas sets out the detailed procedures and requirements for the recordal and renewal of mark licensing agreements and franchise agreements for the marks registered / filed for registration with the Department of Intellectual Property Rights (DIP) of the MoC.

The application for recordal must be filed by the licensor/franchisor and/or licensee/franchisee, or by the legal mark agent. The application for recordal must follow the template provided by the MoC and must be filed within six (6) months from the effective date of the agreement.

Upon successful registration, the Official Gazette of the DIP will publish the information extract of the agreement including: name and address of licensor/franchisor and licensee/franchisee, mark specimen and registration number, classification and detail of the goods/services, type of the agreement, filing date, registration date, period of validity, and area covered under the agreement.

Any non-registered agreement with the MoC has no effect on third parties. The agreement recordal is valid for five (5) years from the record date or for less than five (5) years in accordance with the validity of the agreement. The recordal renewal can be made every five (5) years starting from the expiry date of the recordal.

All valid agreements recorded and retained at the DIP of the MoC before this Prakas comes into effect can be renewed in accordance with the procedure determined in this Prakas.

This Prakas is effective from 13 January 2020.

KPMG Cambodia has in-house licensed legal agents to assist and advise clients on compliance with these regulations with the MoC. For example, if the applicant's ordinary residence or principal place of business is outside Cambodia, they must be represented by a legal mark agent residing and practicing in Cambodia.

Contact us

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