



KINGDOM OF CAMBODIA
Nation Religion King

Ministry of Industry, Science, Technology and Innovation
General Department of Industry
Department of Industrial Property

Workshop on Plant Variety Protection

The Process of Registration Plant Variety Protection in Cambodia

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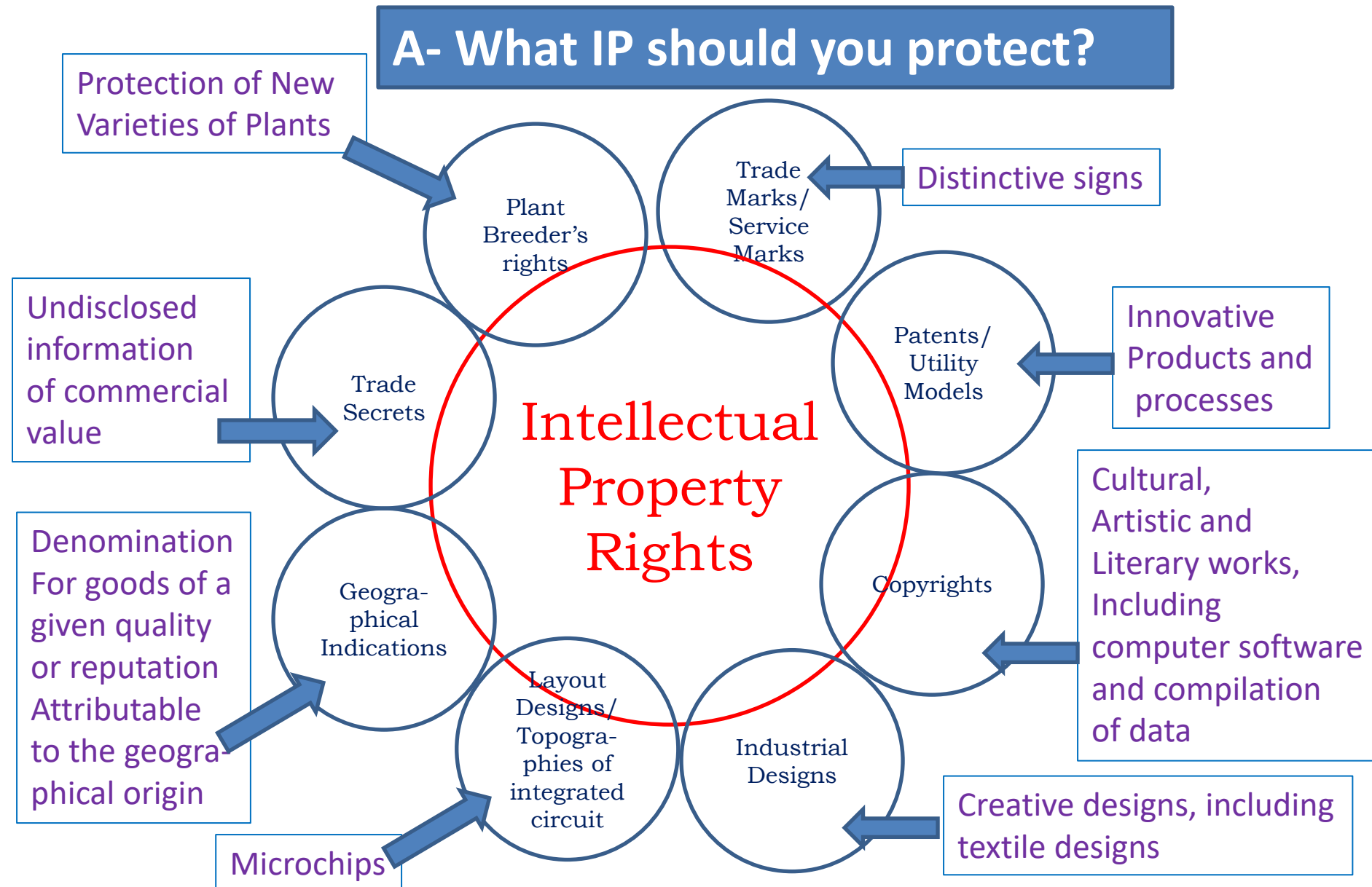
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I-What is intellectual property?

- ▶ Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce
- ▶ There are many types of intellectual property, the most important of which are known as Patents, Trademarks, Copyrights, Trade Secrets, Industrial Design and Plant Variety Protection

How to turn your ideas into IP rights and later on as assets?



B- Where to Protect Your IP ?

- In Cambodia, there are three Ministries responsible for registration intellectual property rights:

1. Ministry of Industry, Science, Technology and Innovation responsible for:

- ▷ Patents,
- ▷ Utility Models
- ▷ Industrial Designs,
- ▷ Plant Breeder's rights
- ▷ Layout Design of Integrate Circuit



2. Ministry of Commerce:

- ▷ Trade Marks, Trade Name
- ▷ Geographical Indications
- ▷ Trade Secret



1. Ministry of Culture and Fine Arts:

- ▷ Copyrights and Related Right.



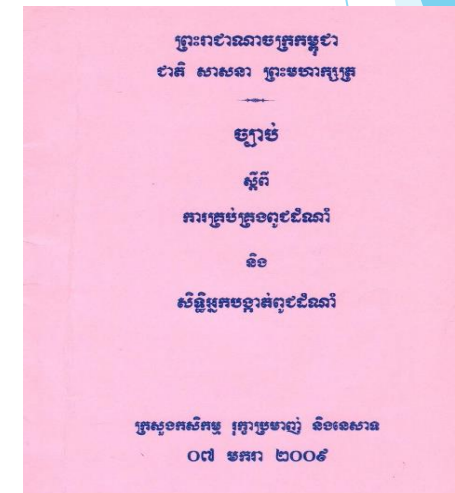


II- LAW ON SEED MANAGEMENT PLANT BREEDER'S RIGHT

The Law on Seed Management and Plant Breeder's right in Cambodia was promulgated by the King NORODOM SIHMONI on May 13, 2008.

In particular, the law on Plant Breeder's Right has:

- 3 Chapters (chapter 1, chapter2 and chapter7)
- 10 Sections (Section 1 to Section10)
- 38 Articles (Article 1 to Article 38) and
- Chapter 7 (Section 1 from Article 69 to Article 73)



1- GOAL OF THIS LAW

to provide registration and protection for the Plant Breeder's Right in the Kingdom of Cambodia in accordance with this Law and UPOV convention.

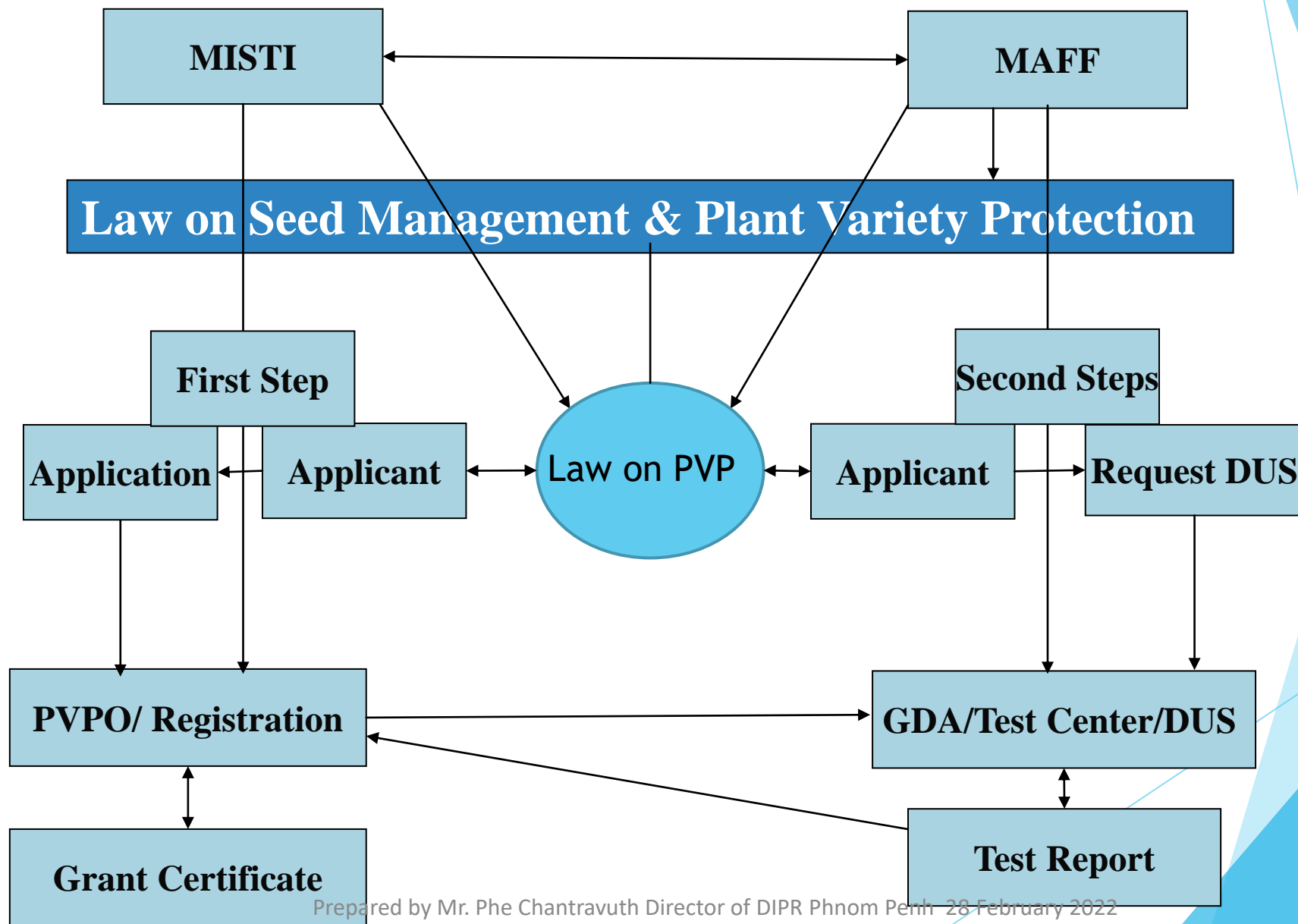


2- OBJECTIVE OF THIS LAW

- ▶ to encourage the development of *new varieties of plants*, for the *benefit of society*”
- ▶ to provide incentive and sustainable development of seed for benefits of society, economy and environment.
- ▶ to stimulate and promote internal and external commerce.
- ▶ to provide protection for Plant Breeder’s Right and to combat the infringement thereof, as well as illegal business practices.



III- STRUCTURE MANAGEMENT OF THE REGISTRATION OF PLANT VARIETY PROTECTION





IV- PROCEDURES FOR REGISTRATION AND THE CONDITIONS FOR GRANTING OF PLANT VARIETY PROTECTION

BREEDER → The person who bred, or discovered and developed, a variety

VARIETY → The Subject Matter of Protection

grouping- lowest known rank

irrespective of whether conditions for the grant are met

defined by the expression of the **characteristics resulting from genotype(s)**

distinguished from other plant grouping unit suitable for being **propagated unchanged**



A– APPLICANTS FOR PLANT VARIETY PROTECTION

The applicant for Plant Variety protection must:

- (a) have Cambodian nationality ; or have foreign nationality but shall be resident in the Kingdom of Cambodia, or
- (b) live in any states which, being a Contracting Party, of UOPV convention or live in any states which, grants reciprocity of treatment to the Kingdom of Cambodia



B- THE APPLICATION

The minimum requirement for applying application of the protection of new variety of plant:

- 1– Application form
- 2– Any necessary information,
document relevant New Variety Received the filing date
- 3– Material(seed)
- 4– Payment of fees.

RIGHT OF PRIORITY

12 months from the date of filing of the earliest application



C- THE CONDITIONS FOR GRANTING OF PLANT VARIETY PROTECTION

Conditions of Protection: to protect all genera and species

Criteria to be satisfied under the Cambodia law variety should be

1- NOVELTY

2- DISTINCTNESS

3- UNIFORMITY

4- STABILITY

"DUS"

Other conditions for granting of Plant Variety Protection

a - Variety Denomination

b - Formalities

c - Payment of fees



NOVELTY

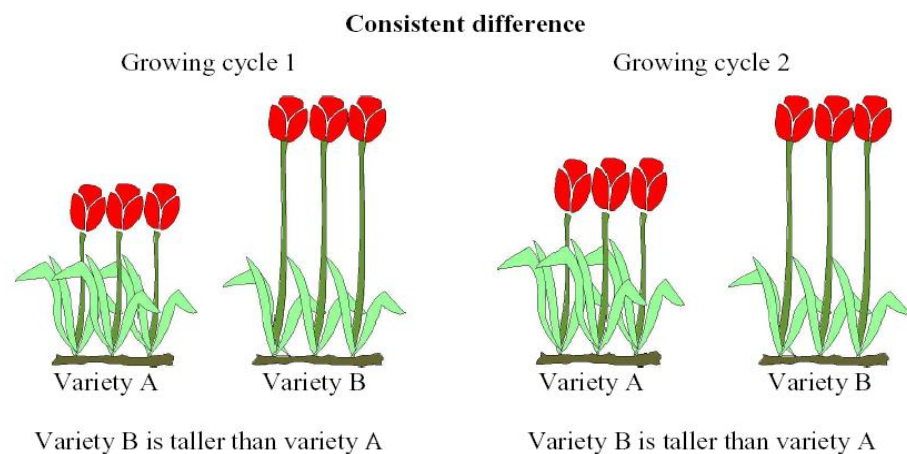
NOVELTY: The variety shall be deemed to be new if, at the date of filing of the application for a breeder's right, it has not been sold or otherwise marketed, by or with the consent of the breeder, sold or marketed

- In the Kingdom of Cambodia in which the application has been filed earlier than one year before the date of filing of the application and
- Outside the Kingdom of Cambodia in which the application has been filed earlier than four years or, in the case of trees and vines, earlier than six years before the date of filing of the application.



DISTINCTNESS

DISTINCTNESS: The variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of filing the application or from the priority right date.



Each time varieties A and B are cultivated in a given location under certain conditions, variety B is taller than variety A.





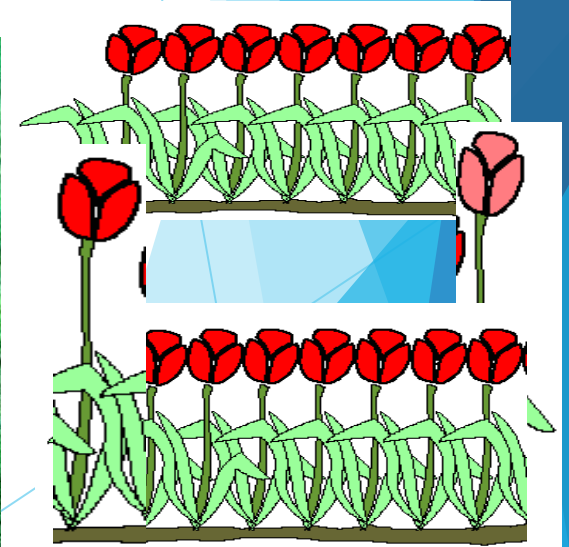
UNIFORMITY

UNIFORMITY: The variety shall be deemed to be uniform if it is sufficiently uniform in its relevant characteristics even if it is sexually or asexually reproduced.

Wheat: (Self-pollinated)



Ryegrass: Spaced plants (Cross-pollinated)





STABILITY

STABILITY : The variety shall be deemed stable if its relevant characteristics remain unchanged in all stage of propagation cycle and in each generation.

Wheat: (Self-pollinated)





D- MINIMUM DURATION OF PROTECTION

TREES and VINES **25** years

OTHER PLANTS **20** years

To be counted from the date of grant

E- DENOMINATION

Applicants for a breeder's right shall be designated by a denomination which will be its generic designation.

A variety denomination shall be deemed unsuitable as following case:

- (1) does not enable the variety to be identified;
- (2) consists solely of figures except in cases where those figures enable identification of the variety;
- (3) is liable to mislead the public or to cause confusion concerning

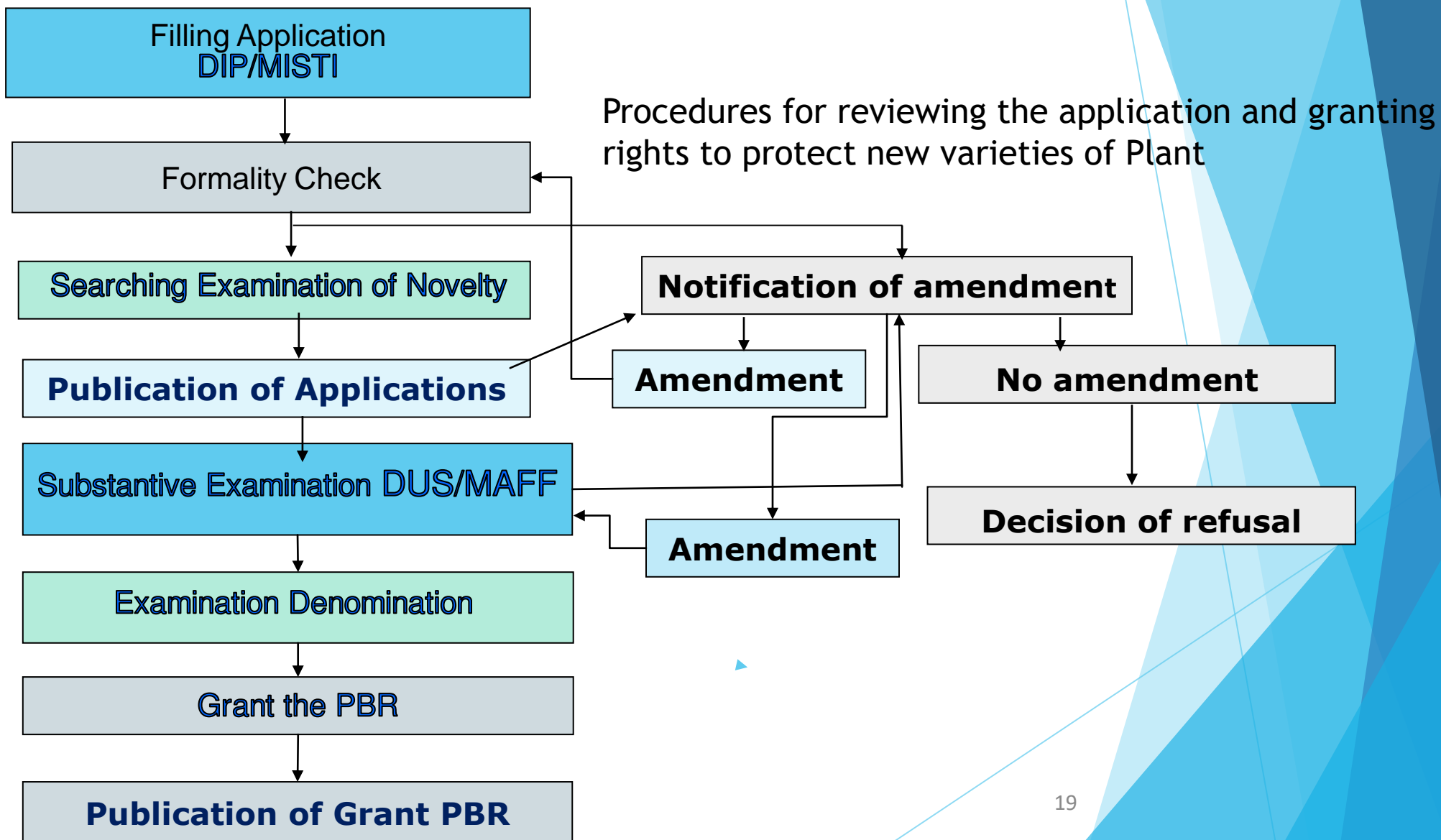


- (4) is liable to mislead the public or to cause confusion concerning the characteristics, value or identity of the variety, or the breeder's identity;
- (5) is similar to an existing variety denomination used for the same species in the *Kingdom of Cambodia* or any other Contracting Party;
- (6) is same to the variety denomination of a granted variety;

Only denominations designated or registered in the contracting party shall be proposed or registered in the Kingdom of Cambodia, except where the denomination is unsuitable in terms of the culture of the Kingdom of Cambodia. In such cases, the registrar shall require the applicant to submit another denomination.



E- PROCEDURES FOR EXAMINATION AND GRANTING A BREEDER'S RIGHTS





V- AUTHORIZATION OF BREEDER RIGHTS REQUIRED

The breeder's right owner shall be entitled to assign or transfer his right. The assignment or transfer to a natural person or legal entity shall be made in writing. Shall require the breeder's authorization: any production or reproduction, conditioning for propagating purpose

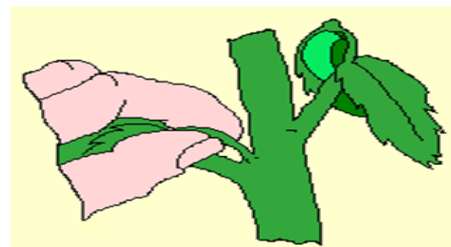
- ▶ Offering for sale Selling or marketing
- ▶ Exporting
- ▶ Importing
- ▶ Stocking for any of the above purposes



MATERIAL COVERED

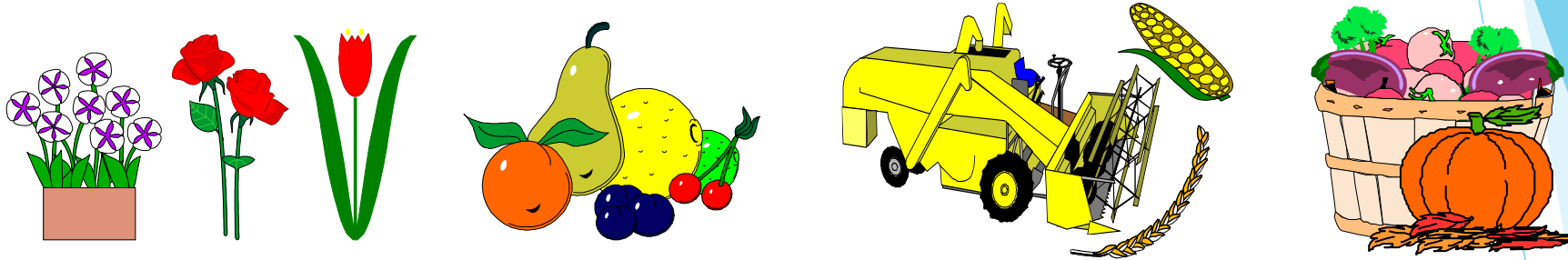
- ▶ All propagating material
- ▶ Harvested material under certain conditions
- ▶ Certain products (optional)

All propagating material





Harvested material



Any unauthorized exploitation and use of harvested material, shall require the authorization of the right owner. The right owner has a reasonable opportunity to exercise his right. When the right owner is aware of unauthorized use and exploitation but fails to exercise his right, he shall lose his appeal right.



Certain products (optional)

The scope of plant breeder's right shall also cover varieties:

- ▶▶ which are essentially derived from the protected variety,
- ▶▶ which are not clearly distinguishable from the protected variety;
- ▶▶ whose production requires the repeated use of the protected variety.



THE FARMERS' PRIVILEGE

A Contracting Party may restrict breeder's rights in order to permit farmers to use:

- ▶▶ For propagating purposes on their own holdings the product of the harvest
- ▶▶ Obtained on their own holdings from the protected variety
- ▶▶ Within reasonable limits subject to
- ▶▶ Safeguarding legitimate interests of the breeder



VI- EXCEPTIONS TO THE BREEDER'S RIGHT

The scope of plant breeder's right shall not cover:

- ▶▶ Acts done for **experimental** purposes;
- ▶▶ Acts done **privately** and for **non-commercial** purposes; and
- ▶▶ Acts **done** for the purpose of breeding other varieties except, where the paragraph 4 of Article 15 of the present law applies.



VII- BENEFITS OF PLANT VARIETY PROTECTION

- Investment in breeding
- More and better varieties for farmers and grower
- Increased income for farmers
- Rural development
- Development of international markets
- Socio-economic growth
- Food security



THANK YOU FOR YOUR ATTENTION

