

# Cambodia-Korea Business Forum

3 March 2022

SIM Sokheng, HO Sivyong, SOUN Vichea

# 1. Overview

**National** February 6, 2022

## COVID-19 Recovery Index: Cambodia ranked second



<https://www.khmertimeskh.com/501019812/covid-19-recovery-index-cambodia-ranked-second/>

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# Cambodia ranks 3rd in real income gains, export growth under RCEP trade pact: World Bank

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<https://www.khmertimeskh.com/501032201/cambodia-ranks-3rd-in-real-income-gains-export-growth-under-rcep-trade-pact-world-bank/>

# RCEP

## កិច្ចព្រមព្រៀងភាពជាដៃគូសេដ្ឋកិច្ចក្រុងប្រទេសអាស៊ីបូព៌ា REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP

RCEP is the world's biggest free trade agreement, consisting of **15** member countries including **10** ASEAN Member Countries and **5** trading partners of ASEAN, Australia, New Zealand, China, Japan and South Korea.

Nov 2012      May 2013      15 November 2020      1 January 2022

**LAUNCH OF THE NEGOTIATION**  
at the 21<sup>st</sup> ASEAN Summit held in Phnom Penh

**FIRST ROUND OF RCEP NEGOTIATION**  
in Brunei Darussalam

**RCEP AGREEMENT WAS SIGNED**  
at the 37<sup>th</sup> ASEAN Summit

**RCEP AGREEMENT TOOK EFFECT**



### CAMBODIA IN RCEP

Based on the studied projections by the Economic Research Institute for ASEAN and East Asia (ERIA)



Cambodia to receive preferential tariffs from RCEP Agreement on many important commodities including:

#### AGRICULTURAL GOODS



ក្រាប់ស្រូវ, ទាប, ដូង, ស្វាយស្រស់, ចេក, ជំងឺប្រាំង, ទឹកឃ្មុំ, ម្សៅរៀត, ក្រូច, ល្ងង់ ... ។ល។

#### PROCESSED AGRICULTURAL GOODS



កុយទាវ, ទំព្រាំង, សំបុកត្រដៀកក់, ទំនិញតែឆ្នៃពីត្រី ម្សៅដំឡូងមី, ទំនិញតែឆ្នៃពីដូង ប្រេងស្រូវកម្រិត, សាប៊ូក្រូក, ទឹកឃ្មុំ, ជំណាប់ចេក ... ។ល។

#### INDUSTRIAL GOODS



កង, សំពៅកប់កាត់, ឈ្មួញដើម, គ្រឿងបន្លំ មេឡិកត្រូឌិក, ឈ្មួញ មេឡិកត្រូឌិកអគ្គិសនី, គ្រឿងសង្ហារឹម, ស្ករ, ស្ករដំបៅ, កាបូបឈ្មួញ ... ។ល។

To download relevant documents, please scan



RCEP Agreement (Khmer and English texts)



Press Release on the Benefits of RCEP Agreement



Legal Text of the RCEP Agreement

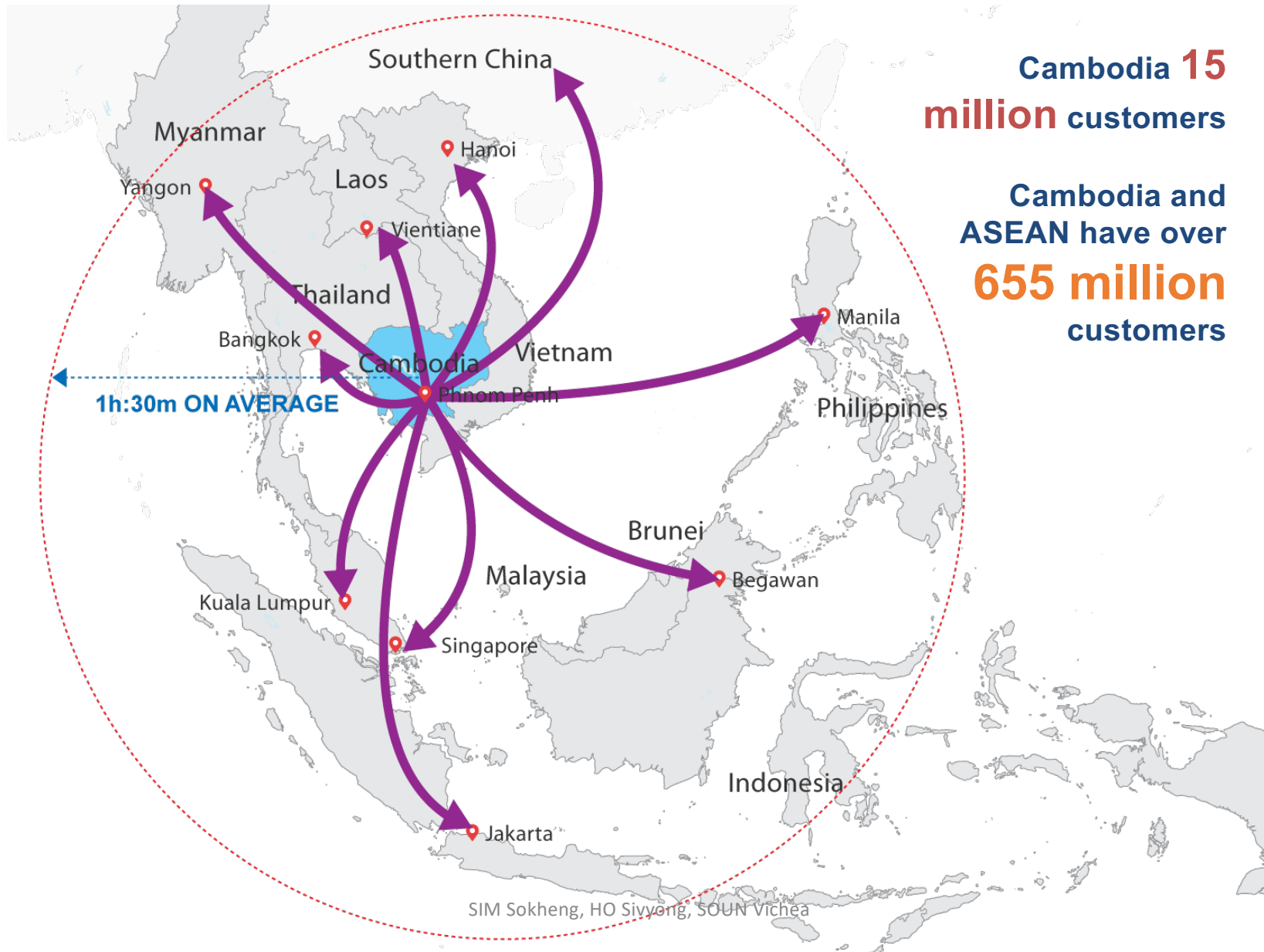
ORGANIZED BY

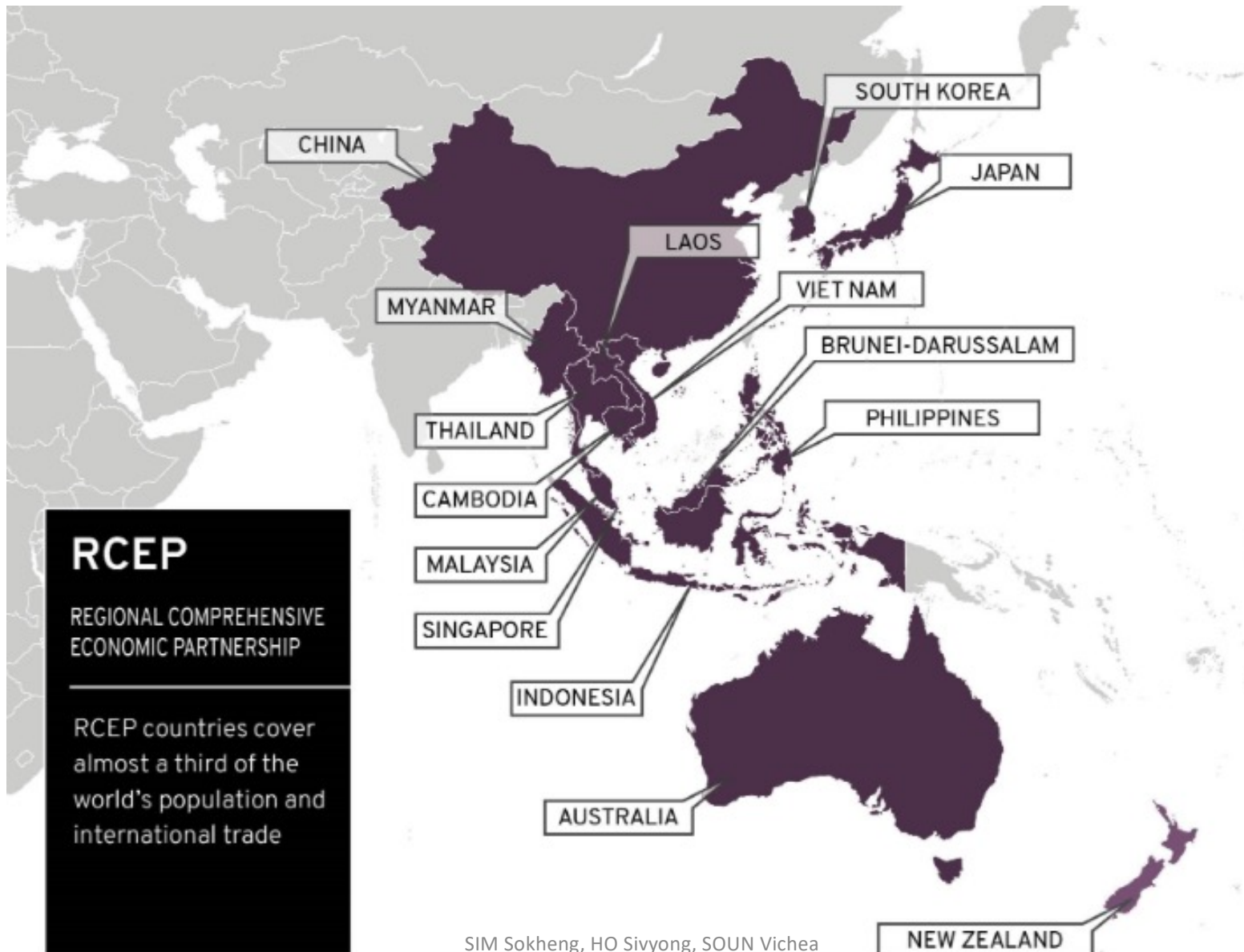


RCEP Member countries will have to eliminate tariff on exported commodities from Cambodia approximately

**39000** tariff lines

Sokheng, HO Siyong, SOIN Vichea





## 2. RCEP: Investment (market access & protections)

- The RCEP creates an enabling investment environment with **greater predictability** for investors
- Providing a **strong platform** to expand investment
- Easing investment restrictions amongst RCEP countries.
- Improved **investment facilitation** provisions which address investor aftercare
- Establishing **contact points**

- Covering the **four pillars** of investments:
  - Liberalization,
  - Protection,
  - Promotion and
  - Facilitation.
- The covered forms of investments:
  - Shares and other forms of equity participation;
  - Debt instruments;
  - Movable and immovable property and ... etc.



# RCEP and New Law on Investment

- Cambodia's new Law on Investment last October 2021, reflects the **evolution of the investment climate**.
- Establish an open, transparent, **predictable**, and favorable legal framework.
- It was intended to serve as a stepping-stone for Cambodia to becoming a **more attractive investment** destination.
- Giving a **wider range of incentives, guarantees**, and protections for both domestic and foreign investors

# Investment Facilitations

## Investment Registration



Within 20 Working Days



**Single Registration Certificate**



Registration through information technology platforms



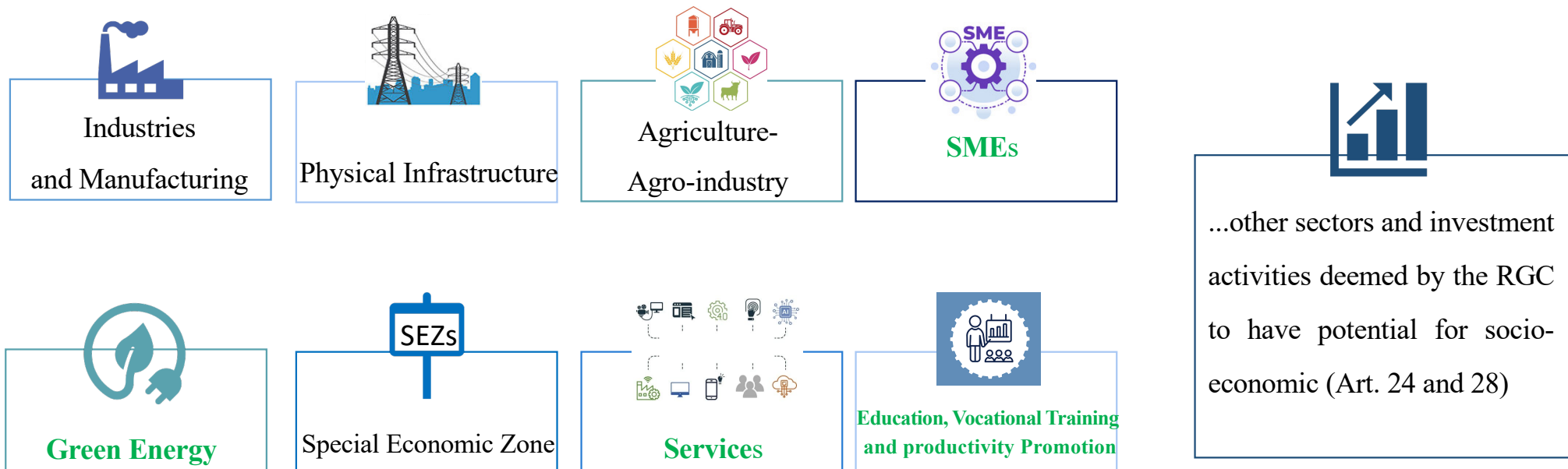
Registration Certificate shall be affixed with a barcode with identification number or QR code or other technology that contains preliminary data related to the registered Investment Project



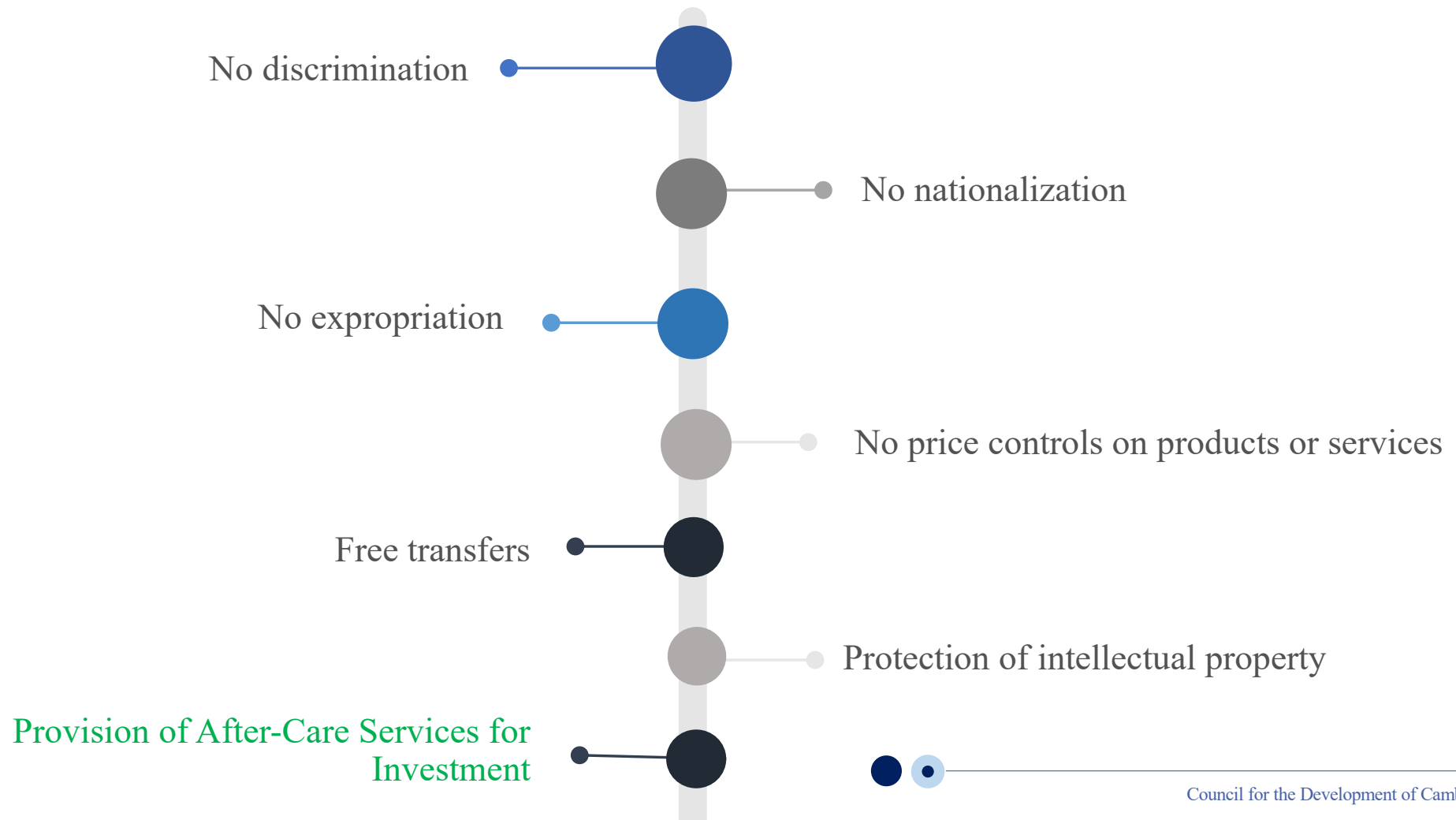
Investment Projects that have obtained a Registration Certificate may be implemented automatically

# Investment Incentives

Investment sectors and activities are entitled to investment incentives:



# Investment Guarantees and Protection

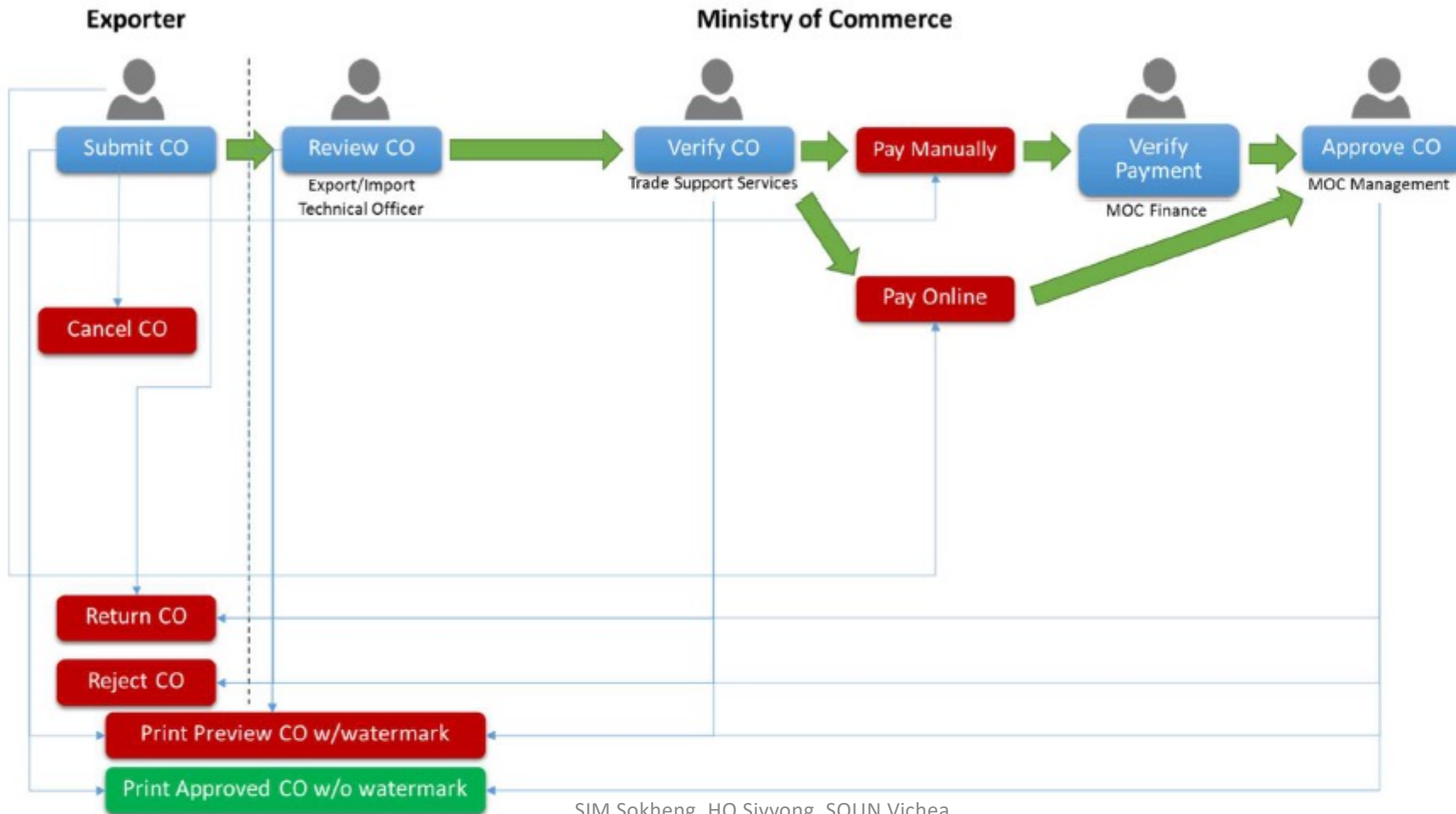


### 3. Rules of Origin and Certificate of Origin (C/O)

- C/O Automation, Online Application and e-Payment for all FTA & GSP Forms since 2016 (*Prakas* (Ministerial Regulation) No. 3198 dated 26 August 2016 on Procedure on Issuing Certificate of Origin on CO Automation Application
- *Joint-Prakas* (Joint Inter-Ministries Regulation) No. 315 dated 12 May 2021 on Provide Public Service Fee for Ministry of Commerce.
- Do not issue C/O in case of not require by importing countries.

# Certificate of Origin included RCEP Form

## C/O Automation, Online application and e-payment (ACLEDA, WING)



**1. Goods Consigned from (Exporter's name, address and country)**  
**ROYAL LIMITED**  
 KAMPONG SPEU PROVINCE, KINGDOM OF CAMBODIA.  
 TEL: (+855) 88 55 777 18

**2. Goods Consigned to (Importer's/Consignee's name, address and country)**  
**ROYAL LIMITED**  
 KAMPONG SPEU PROVINCE, KINGDOM OF CAMBODIA.

**3. Producer's name, address and country (if known)**  
**WINNICHON (CAMBODIA) INDUSTRIAL COMPANY LIMITED**  
 NATIONAL RD. 4, PH. SANGKHOM CHELY, KAMPONG SPEU PROVINCE, KINGDOM OF CAMBODIA.

**4. Means of transport and route (if known)**  
 Departure Date: 03-FEB-2022  
 Vessel's name/Aircraft flight number, etc.: MAERSK ATLANTIC V. 2045

**5. For Official Use**  
 Preferential Treatment:  Given  Not Given (Please state reason)

**6. Item number** **7. Marks and numbers on packages** **8. Number and kind of packages and description of goods** **9. HS Code of the goods (8 digit level)** **10. Origin Certifying Code** **11. RCEP Country of Origin** **12. Quantity (Does weight or other measurement, and value (FOB) where RCEP is applied)** **13. Invoice number(s) and date of invoice(s)**

| Item number  | Marks and numbers on packages | Number and kind of packages and description of goods                          | HS Code of the goods (8 digit level) | Origin Certifying Code | RCEP Country of Origin | Quantity (Does weight or other measurement, and value (FOB) where RCEP is applied) | Invoice number(s) and date of invoice(s) |
|--|-------------------------------|---|--------------------------------------|------------------------|------------------------|--|--|
| 1  | AS PER PACKING LIST           | 300 ROLLER PLASTIC PU, 888 PU, 275 PU, 308 PU, 156438, 4500209731, 115 CARTON | 640299                               | CTIC                   | CHINA                  | 652 PPS  | 24-JAN-2022                              |
| 2  |                               | 18 CARTON, 106438, 4500209699, 1079580, 4500207960, 1079580                   | 640299                               | CTIC                   | CHINA                  | 198 PPS  |  |
| 3  |                               | 18 CARTON, 106438, 4500209699, 1079580, 4500207960, 1079580                   | 640299                               | CTIC                   | CHINA                  | 428 PPS  |  |
| 4  |                               | 18 CARTON, 106438, 4500209776, 1079580, 4500207965, 1079580                   | 640299                               | CTIC                   | CHINA                  | 2,112 PPS  |  |
| 5  |                               | 18 CARTON, 106438, 4500209765, 1079580, 4500207965, 1079580                   | 640299                               | CTIC                   | CHINA                  | 828 PPS  |  |
| 6  |                               | 230 CARTON, 106438, 4500208022, 1079580, 4500207965, 1079580                  | 640299                               | CTIC                   | CHINA                  | 1,364 PPS  |  |
| <b>TOTAL (PPS): FIVE THOUSAND FOUR HUNDRED EIGHTY TWO ONLY</b> |                               |   |                                      |                        |                        |  |  |

**14. Remarks**

**15. Declaration by the exporter or producer**  
 The undersigned hereby declares that the above details and statements are correct and that the goods covered in this Certificate comply with the requirements specified for these goods in the Regional Comprehensive Economic Partnership Agreement. These goods are exempt from...

**16. Certification**  
 On the basis of control carried out, it is hereby certified that the information herein is correct and that the goods described comply with the origin requirements specified in the Regional Comprehensive Economic Partnership Agreement.

**17.  Back-to-back Certificate of Origin  Third-party Invoicing  ISSUED RETROACTIVELY**

**Signature and Stamp:**  
 PRICH PENH, 22-FEB-2022  
 PRICH PENH, 22-FEB-2022

1<sup>st</sup> RCEP Form issued by Cambodia was issued by 20 Feb. 2022. Goods shipped on 03 Feb. 2022

# 4. Protection of Intellectual property(IP)

Cambodia will apply the detail of 83 articles and exception and the flexibility provided under articles of IP, for example: No Obligation to provide registration of Sound Marks during transitional period by article 11.19.

| Provisions   | Transition Periods                                  |
|--|---|
| Subparagraph 1(e) of Article 11.9 (Multilateral Agreements) (with respect to the WCT)  | 10 years, which may be extended once for five years |
| Subparagraph 1(f) of Article 11.9 (Multilateral Agreements) (with respect to the WPPT) | 10 years, which may be extended once for five years |
| Article 11.14 (Circumvention of Effective Technological Measures)                      | 10 years, which may be extended once for five years |
| Article 11.15 (Protection for Electronic Rights Management Information)                | 10 years, which may be extended once for five years |
| Article 11.19 (Trademarks Protection) (with respect to sound marks)                    | 10 years, which may be extended once for five years |

|   |   |
|---|---|
| Subparagraphs 2(a) and (b) of Article 11.22 (Registration and Applications of Trademarks) | 10 years, which may be extended once for five years |
| Article 11.48 (Protection of New Varieties of Plants)                                     | 10 years, which may be extended once for five years |
| Paragraph 2 of Article 11.62 (Destroying Infringing Goods and Materials and Implements)   | 10 years, which may be extended once for five years |
| Subparagraph 1(a) of Article 11.64 (Provisional Measures)                                 | 10 years, which may be extended once for five years |
| Subparagraphs 3(b) and (c) of Article 11.74 (Criminal Procedures and Penalties)           | 10 years, which may be extended once for five years |
| Article 11.75 (Effective Action against Infringement in the Digital Environment)          | 10 years, which may be extended once for five years |



# Cambodian government's plan to protect IPs under the RCEP

- Cambodia has law on Trademark, Patent, Design, Copyright, GI, Plant variety which comply with TRIPS and regional and bilateral agreements.
1. **Law on Mark, Trade Name, and Act of Unfair Competition, 2002.**
  2. **Law on Patents, Utility Model Certificates, and Industrial Designs, 2003.**
  3. **Law on Copyright and Related Rights: Law on Copyright and Related Rights, 2003.**
  4. **Law on Seed Management and Breeder's Rights, 2008.**
  5. **Law on Geographical Indication (GI), 2014.**
  6. **Law on Compulsory license for Public Health, May 2018.**

# Cambodian government's plan to protect IPs under the RCEP

- Adopted Action Plan of National Committee of Intellectual Property (NCIP) 2020-2023.
- Finalize drafting National IP Policy and finalize the National IP Action Plan 2022-2027. The National Intellectual Property Policy has three main objectives:
  - **Objective 1:** To develop laws, regulations and legal documents related to intellectual property in accordance with international standards and to strengthen the implementation of Cambodian intellectual property laws to meet the economic and social needs and actual development of Cambodia.
  - **Objective 2:** To enhance the capacity and expand the capacity of the Ministries and Institutions of the Royal Government of the Kingdom of Cambodia in implementing the intellectual property system effectively.
  - **Objective 3:** To disseminate and raise public awareness of the role of intellectual property in economic development, and enhance the capacity and motivation of the private sector in the Kingdom of Cambodia to use intellectual property.

# IP Cooperation Between Cambodia and S. Korea

**MoU on IP Cooperation between Ministry of Commerce and KIPO has been signed since 15 August 2019:**

- Exchange of Information on IP-related legislation and any change or improvements in it;
- Organization and provision of IP education and training;
- IP automation system ( sharing Information on technology, improving the legal environment, and upgrading ICT);
- Exchange of trademarks information;
- IP protection and enforcement; and
- Any other cooperative activities that may be jointly decided upon by the sides.

## IP Cooperation Between Cambodia and S. Korea (2)

Under the frame work of RCEP and Cambodia-Korea FTA, ASEAN Working Group On Intellectual Property, Cambodia need technical assistance to implement our IP Policy in the priority activities as following:

- Enabling Innovation Environment to Strengthen Business Competitiveness through Brands & Designs
- Increase Capacity for Technology Innovation Support.
- Enabling Innovation Environment IP Roving Seminars to Increase Usage of Global IP Systems (IP Roving Seminars) (Madrid & PCT)
- Assistance for Technology and Innovation Support Centers (TISCs).

# Case of Handle IP Issue By Ministry of Commerce

- Trademark Applications and Registrations from Republic of Korea (Up to 25-02-2022)
- **Applications 2949**
- **Registrations 2231**
- Trademark Infringement Cases data

|                                 | 2014        | 2015        | 2016        | 2017        | 2018        | 2019        | 2020        | 2021        |
|---------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Trademark Infringement Petition | 25<br>Cases | 21<br>Cases | 17<br>Cases | 14<br>Cases | 14<br>Cases | 21<br>Cases | 28<br>Cases | 10<br>Cases |

- There seem no any trademark infringement petition against Korea trademarks.

# Cambodia Vision 2050 (high-income country)

*Thank You!*