

International Trademark Association Comments to the Draft Certification Mark Regulations of the Kingdom of Cambodia

June 18, 2015

The International Trademark Association (INTA) is a global organization of 6,500 trademark owners and professional firms from over 190 countries, including 6 members in Cambodia. INTA is a not-for-profit membership association dedicated to supporting trademarks and related intellectual property in order to protect consumers and promote fair and effective commerce. Founded in 1878, INTA is the global leader in trademark research, policy development, education, and training. More details about INTA are available at www.inta.org.

INTA greatly appreciates the opportunity to comment on the draft Certification Mark regulations. INTA supports Cambodia's acceptance of certification marks and welcomes these regulations. In general, INTA's members note that the language in the regulations are overly broad, and generally seek more clarity. Our specific recommendations are the following:

Article 1: Purpose

This provision fails to mention the protection of service providers as a purpose. There are a number of certification marks which are service marks and it has been a common. It is suggested that the provision should explicitly mention service providers as they should be protected under the regulations.

Additionally, INTA recommends that the definition of "person" for purposes of this article match the definition as provided in Article 7.

Article 7: Ownership of Certification Marks

This provision sets out certain restrictions and qualifications of certification mark applications, such as requiring the applicant to be a "legal person" and "competent to certify the goods and/or services for which the mark is registered."

This provision does not give further information about what the criteria for competency regarding a "legal person" consists of. A clarification of what constitutes a competent applicant, would contribute to the clarity and strength of provision. INTA's stated position is that a certification mark owner should not be permitted to use a certification mark in the course of trade.

Article 16: Amendment

This provision allows for certification marks to amend the methods and procedures for certification.

INTA seeks clarity on two issues. If the registered owner wishes to expand the scope or change the standards of the certification mark, would they also be required to file a new application for registration, or would it be possible to publish the new and revised Regulations of Use?

Additionally, even if a minor change is made, but affects the ability of an authorized third party to meet the new criteria, does it by default revoke the third party's authorization, or is the registered owner required to conduct a survey of all authorized third party products and revoke the authorization then?

This submission was prepared by INTA with the assistance of the Asia-Pacific Subcommittee of the Legislation and Regulation Committee, as well as members of INTA's policy staff. If you have any questions



655 Third Avenue, 10th Floor, New York, NY 10017-5646, USA

t: +1-212-642-1700 | f: +1-212-768-7796

inta.org | info@inta.org

about the enclosed comments or INTA, please contact Mr. Seth Hays, Policy Advisor, Asia-Pacific, at shays@inta.org.

New York | Shanghai | Brussels | Washington, D.C.

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