



Intellectual Property and Public Health Cambodian Perspective

**WTO-ESCAP-IIUM REGIONAL WORKSHOP ON IP
AND PUBLIC HEALTH AND ENVIRONMENT POLICY
FOR ASIA AND PACIFIC REGION**

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Presented by Mr. Suon Vichea

Ministry of Commerce, Kingdom of Cambodia

E-mail: vicheasuon@yahoo.com

Headings

1. Basic principles of Cambodia's policy on IPRs and Public Health.
2. Enacting legislation to protect IPRs.
3. Balancing between TRIPS obligations and public health policy.
4. Public health situation in Cambodia.
5. Using TRIPS flexibilities to get further benefits for public health.
6. Challenges
7. Solution and conclusions.

Basic Principles of Cambodia's policy on IPRs and Public Health

- Constitution of the Kingdom of Cambodia endorsed the advocacy of public health and access to medicines for people of all echelons.

Article 72 “The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizen shall receive free medical consultation in public hospitals, infirmaries and maternities”

Basic Principles (cont'd)

Government's policy on public health:

“Promote better public health system to ensure safety, efficacy, and quality services to the people and uphold the Human Rights principle through the increased access of essential medicines to the public”.

Basic Principles (Cont'd)

Doha Declaration on TRIPS and Public Health (paragraph 5)

“Member has right to grant compulsory license and freedom to determine grounds upon which such licenses are granted”

“Member has right to determine what constitutes a national emergency or other circumstances of extreme urgency,...”

“Effect of TRIPS to the exhaustion of IPRs is to leave member free to establish its own regime for such exhaustion...”

Basic Principles (Cont'd)

Government's policy on IPRs:

- *As a member of WTO, the Government of Cambodia has clearly defined its position to strengthen the protection of IPRs and promote the use of IPRs as a tool for wealth creation and development of national economy.*
- *Cambodia's commitment during its accession to WTO – TRIPs Compliance*
 - Development of IP Legislations
 - Modernization of IP System
 - Strengthening of IP Enforcement
 - Enhancing the promotion and dissemination of IP knowledge including IP education and awareness.

Enacting Legislations to protect IPRs (cont'd)

Law on Patent, Utility Model Certificates, and Industrial Designs

- Promote technological development
- Create trust and promote sound investment climate thus attract FDI into the country.
- Promote transfer of technology and know how.
- Encourage innovation through research and development activities.
- important factor to enhance industrial development.

Acting Legislations to protect IPRs (Cont'd)

Importance of Law on Marks, Trade Names, Acts of Unfair Competition

Ensure fair competition and secure safe and protective trading environment in the country.

Promote concept of national brand and ensure quality of products and services attached to national brand name.

Registered commercial name helps to prolong exclusive rights of right holder on special product medicines after the expiration of patent.

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https://www.yunbaogao.cn/report/index/report?reportId=5_7535

