

Can you briefly describe Cambodia's WTO obligation in terms of protecting Intellectual Property Rights?

In terms of Intellectual Property Rights Protection, there are many kinds of laws. But I just want to focus on three basic IPR laws that are particularly important for Cambodia in terms of its compliance with Cambodia's WTO obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), namely: the Law on Trademark, Trade Names and Acts of Unfair Competition, the Law on Copyright and Related Rights, and the Law on Patents, Utility Model and Industrial Designs.

Besides these three fundamental IPR laws, there are few other laws such as the Law on Seed Management and Breeder Seed Rights, a Sub Decree on Geographical Indications (G I).

How do you describe the awareness of Cambodian people and the mechanism of relevant official toward Intellectual Property Right?

Actually, public awareness on intellectual property rights is much better compared to previous years. People are increasingly realizing the importance of respecting intellectual property rights laws.

The awareness of trademark or trade name registration among local businesses is increasing. In terms of intellectual property right protection, trademarks and trade names is developing very fast compared to the other two laws because it is obviously linked to the growing needs of businesses and people as consumers appreciate more the value behind a trademark registration. Moreover, the introduction of franchises such as Pizza Company, KFC, or Brown Cafe has contributed tremendously to broadening the awareness of the public toward trademark as a business asset.

On the other hand, the copyright law is far behind, I mean in term of implementation, compared to the awareness of trademarks and trade names. The enforcement of copyright protection is weak. We still have a long way in term of improving this area of IPR protection. We do need a more proactive approach toward solving the problems of copyright infringements.

Do you think Cambodia will meet the criteria of WTO as the deadline will be coming up?

In general, I can say that, we cannot meet all of the requirements. But the progress is positive. We can meet some deadline in some areas, and as long as we can show progress or sustained efforts to meet our obligations, we are ok. As a least developed country, we do have a grace period, but I believe that meeting our commitment can bring positive economic benefits for our country.

To comply with the deadline of WTO requirement, what does Cambodia need to do in terms of Intellectual Property Rights protection?

In term of trademark practice, I can say that the progress is well beyond 90 percent. I do not worry at all. I am very appreciative of the efforts and the commendable performance of the Department of Intellectual Property Rights of the Ministry of Commerce. On the other hand, copyright protection needs to catch up, especially if we are keen to promote Cambodian authors and artists to produce creative works in literature, research and in the music industry. Copyright protection should be dealt more forcefully.

What are the advantages of Intellectual Property Right protection?

Good intellectual property rights protection is very important. Copyright protection provides an incentive for Cambodia's intellectuals to do research, write books, and create new ideas that are key contributions to develop Cambodia's education sector and its human resources. We cannot become a strong society if we have few intellectuals and knowledgeable businesses. Furthermore, Trademark protection encourages business expansion among local businesses and creates fair competition. The nation's economy will be better if we could attract more and more "real and credible" foreign investors. Adequate intellectual property protection builds trust and confidence for these foreign investors. For foreign companies, the more well-known they are, the more they are concerned that their mark or intellectual property could be infringed. If we cannot ensure that the intellectual property of their technology and know how is safe, investors will not invest their capital in our country. We need to send a clear signal that we are serious about IPR infringement.

What are the disadvantages of Intellectual Property protection in developing countries like Cambodia?

Developing countries can use the TRIPS flexibilities to address problems that affect their populations. High prices of CDs or DVDs can limit or narrow the knowledge and understanding of the public and students as they can't afford to buy original CD or DVD software for doing research or studying.

As a Least Developed Country where our economic situation is emerging, the WTO provides Cambodia with a grace period as well as technical assistance to support the country in building its capacity to take advantages of the TRIPS and in the process to build the relevant economic sectors which could get a big boost from IPR laws enforcement.

Still, I think that the protection of copyrights for books and music is particularly weak and Cambodia should provide more efforts and commitment to ensure good protection. If we do not enforce this law, Cambodian talents will have no incentive to write or create new ideas for social benefits because of piracy. When there are limited documents in Khmer, the Cambodian pool of knowledge will not broaden. We cannot depend only on foreign documents to educate ourselves. Foreign documents are created for their societies, where they apply their practices, which are different from Cambodia's situation. To supplement and broaden the knowledge of Cambodians, documents in Khmer, written by Cambodians, reflecting on our own culture and socioeconomic realities are much needed. My question is why do we have to read or learn our own history from a foreign author? Why do we have to listen to copycat songs from foreign culture which means nothing to us? It is just music beat and a meaningless Khmer rhyme which amounts to nothing but noise for teens. Those singers or producers who copy from foreign songs will someday regret, I mean legally speaking. Ten years ago, I can admit that it is acceptable to imitate or copy outside influence, but not today. The pool of Cambodian young intellects and elder wise men is huge nowadays. We just need a nurturing and protecting environment for them to burst out from within and let their creative mind and hungry spirit thrive. And providing protection on their creative works will do just that.