

ASEAN Patent Examination Co-operation (ASPEC) Programme

1 ASEAN Patent Examination Co-operation (ASPEC)

1.1 The ASEAN Patent Examination Co-operation (ASPEC) is the first regional patent cooperation project. It is a programme for IPOffices from participating ASEAN member states ("AMS") to utilise the search and examination ("S&E") results from another participating AMS IPOffice as reference in its own S&E work.

1.2 There are 9 participating AMS IP Offices and they are from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.

1.3 The participating AMS IPOffice may consider the S&E documents it receives under the ASPEC. It is not obliged to adopt any of the findings or conclusions reached by the other IPOffice. It will proceed with and conclude its S&E work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.

1.4 The objectives of the programme are:

- **Reduced work and fast turnaround time.** Reference to earlier work could help an examiner to develop his search criteria or strategy more quickly, reduce searching and/or assist the examiner to understand the claimed invention faster. Faster prosecution of the patent application is, therefore, possible.

- **Better search and examination** – The other patent authorities might have access to databases unavailable to the examiner (e.g. specific technical databases, local databases, databases in other languages). Therefore, the opportunity to refer to these search and examination results could provide the examiner with information on and assessment of prior art which he or she would otherwise not have access to.

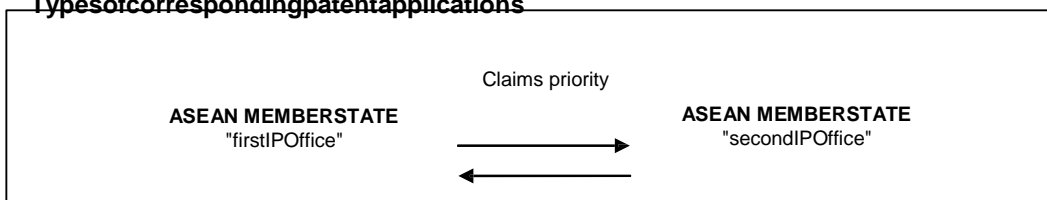
2 Date of Commencement

The programme commenced on 15 Jun 2009 and was revised on 15 April 2012. It will continue to be reviewed regularly.

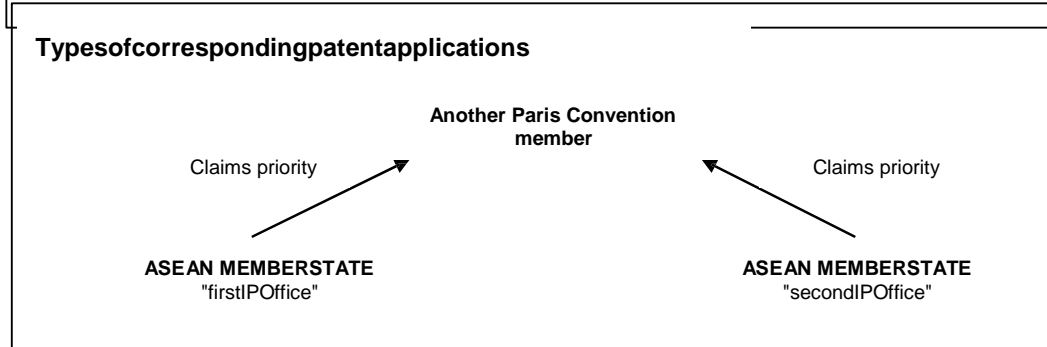
3 Requirement for requesting ASPEC

3.1 The patent application in the participating AMS IPO Office where the ASPEC Request Form is filed ("second IPO Office"), has a corresponding patent application in the other participating AMS IPO Office ("first IPO Office"). The ASPEC Request relies on S&E documents of this corresponding application. A patent application in the first IPO Office is a corresponding application if it is linked by a Paris Convention priority claim to the patent application in the second IPO Office, and vice-versa, or the patent applications in both the first IPO Office and second IPO Office have the same priority claim from another Paris Convention member country. The diagrams below show the types of corresponding patent applications and further if the ASPEC Request Form is filed with **DIP-KH**.

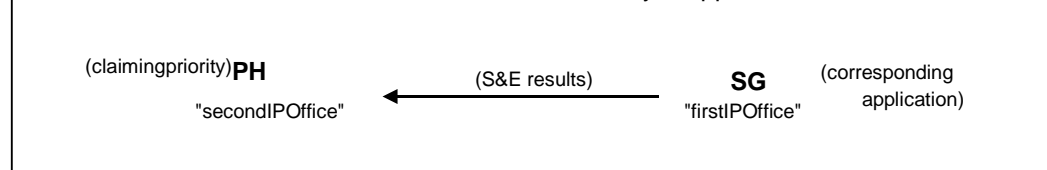
Types of corresponding patent applications



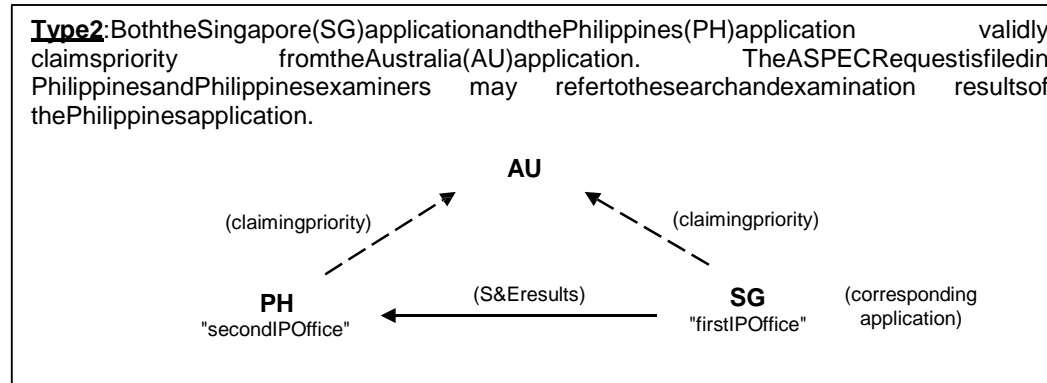
Types of corresponding patent applications



Type 1: The Singapore (SG) application validly claims priority from the Malaysia (MY) application. The ASPEC Request is filed in Singapore and Singapore examiners may refer to these search and search examination results of the Malaysia application.



Type 2: Both the Singapore (SG) application and the Philippines (PH) application validly claim priority from the Australia (AU) application. The ASPEC Request is filed in Philippines and Philippines examiners may refer to these search and examination results of the Philippines application.



3.2 All documents for the purposes of ASPEC must be in English. An overview of the requirements and procedures for requesting ASPEC in the participating AMS IP Offices can be found in the **Annex**.

4 Procedures for requesting ASPEC

4.1 The patent applicant is to file a duly completed ASPEC Request Form in the second IPO Office and it shall be accompanied by the following documents:

- (a) a copy of the search report and the examination report (“minimum documents”) of a corresponding application from the first IPO Office, and
- (b) a copy of the claims referred to in the minimum documents submitted.

A copy of the form can be obtained at: <http://www.mih.gov.kh> and <http://www.cambodiaip.gov.kh/>.

4.2 The ASPEC Request Form may be accompanied by a claim correspondence table showing relatedness of the claims examined in the corresponding application to the claims in the current application, a copy of the written opinion(s) and the list of prior art, if available (“additional documents”).

4.3 The ASPEC Request Form and the documents referred to in paragraphs 4.1 and 4.2 are to be filed on the same day as filing the **Request for a Grant of Patents Form, Request for Early Publication or Response to Formality Examination Report**.

4.4 For avoidance of doubt, a copy of the patent grant without the minimum documents will not qualify for the ASPEC.

4.5 All subsequent correspondences with **DIP-KH** must be marked with the phrase “ASPEC requested”.

5 Cited documents

A copy of each of the documents cited in the minimum documents is not required at the time of filing the ASPEC Request Form. **DIP-KH** may, however, require the applicant to furnish a copy of any document cited in the minimum documents subsequently.

6 Translations

- 6.1 The documents in paragraph 4 must be accompanied by an English translation if they are not originally in English, at the time of filing the ASPEC Request Form.
- 6.2 The documents in paragraph 5 may be filed in their original language. However, **DIP-KH** may subsequently request for an English translation of a document or a part of a document if a patent family member in English is not available.
- 6.3 The English translation of any document must be verified by a translator or by the patent agent appointed to act on behalf of the patent applicant before **DIP-KH**.

7 Mode of Submission

The ASPEC Request Form, the minimum documents, the additional documents, the cited documents, and the translations are to be filed on paper via one of the following modes:

- (i) by hand,
- (ii) post, or
- (iii) facsimile transmission.

8 Enquiries

For enquiries relating to the ASPEC programme, please contact Ms. Nhem Phally via telephone (855) 23 218030/ 855-12 770 738, or email phally_nhem@yahoo.com or Mr. Svay Rien via phone (855) 12 982 382 email Rein-bbu@yahoo.com with the subject heading "ASPEC Programme".

Department of Industrial Property
Ministry of Industry and Handicraft
Cambodia