

HOW TO SUBMIT A COMPLAINT TO C.C.C.C ?

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LAWYER OF CCCC

I.WHO CAN FILE A COMPLAINT WITH C.C.C.C ?

- Any individual or legal entity being entitled to sue and/or the holder of intellectual property rights in such goods or services.
- Any individual or legal entity receiving the power or authority to sue on the right holder's behalf (Lawyer,Attorney-in-fact...etc)
- Public and victim of counterfeiting or IP infringement
- Other state bodies

2. WHICH CRIMES ARE UNDER CCCC'S JURISDICTION?

- **IP Crimes:** Manufacturing, Selling and Distributing of counterfeit or pirate goods such as infringement or false copy of:
 - Trademark
 - Patents
 - Industrial Designs
 - Literary and artistic works
- **Parallel import:**
 - Exclusive Distribution Right Infringement
 - Importing of products already registered by other importer (medicines)

3. HOW TO WRITE A COMPLAINT TO CCCC?

- **Complainant Information:**

- Legal Name of Company
- Industry / Business Branch
- Registered Address
- Head-Office (Add., Tel., e-mail, Website)
- Person in charge

- **Trademark Details:**

- Mark
- Country of registration
- Registration Certificate (Registration number, date...)

3. HOW TO WRITE A COMPLAINT TO CCCC?

- **Infringement Details:**
 - Subject of Infringement: Tradename, Trademark, Parallel Import...etc
 - Counterfeiter Information
 - Target (Retail Store, Warehouse, Border gate...etc.)
 - Examinations/ Analysis
 - Previous notice/ warning
 - Previous complaint to other governmental body beside CCCC

3. HOW TO WRITE A COMPLAINT TO CCCC?

- **Objective of the Complaint (Request):**
 - Legal action by CCCC.
 - Compensation for damages.
 - Seizure of counterfeit goods.
 - Written Undertaking to stop importing, storing and distributing of counterfeit goods by the offender.

4. TO WHOM SHOULD THE COMPLAINANT ADDRESS THE COMPLAINT?

For the attention of

H.E General Sophana MEACH

Secretary of State of Ministry of Interior and Chairman of CCCC.

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Facebook៖ **គណៈកម្មាធិការប្រយុទ្ធប្រឆាំងផលិតផលក្លែងក្លាយ**- Counter Counterfeit Committee

4. WHICH SUPPORTING DOCUMENTS/ EVIDENCES ARE NEEDED?

- Written Complaint (To be printed on the Company letter head duly stamped and signed by the authorized signatory (2 Original copied).
- Certificate of Incorporation of Company.
- Certificate of Trademark/IP Registration (Original Copy).
- POA to the person who represent or act on the company's behalf in filing the complaint to CCCC (Notarized letter).

4. WHICH SUPPORTING DOCUMENTS/ EVIDENCES ARE NEEDED?

- Sample of authentic products owned by complainant.
- Evidence: Counterfeit products (Confirmation from Lab if possible).
- Information related to counterfeit products and offenders: importer, retailers, warehouse...etc.
- Private Investigation Report (if available).

5. ENFORCEMENT ACTION BY C.C.C.C UPON RECEPTION OF COMPLAINT

- Complainant is required to report the crime verbally to CCCC's officer at the CCCC's Secretariat Office (Ministry of Interior).
- Additional Investigation can be conducted by CCCC if necessary.
- Notice to the trademark infringers/Counterfeiters and followed by regular check.
- Raid action.
- Seizure of counterfeit goods.
- Arrest of suspect.
- Handing-over of suspect and evidence to Prosecutor.

6. FOLLOWING-UP BY COMPLAINANT

- Complainant shall follow up with CCCC diligently and regularly, by phone, email and in person, providing all necessary assistance required by CCCC to show support, cooperation and interest in the case.
- Complainant/ Trademark owner/ Right holder can provide technical assistance and support such as lab testing to CCCC for the analysis and authenticity test of counterfeits.

7. CRIMINAL PROSECUTION

- **Counterfeiting Trademark, Service Mark, Tradename**

Punishment: 1 year to 5 years and/or 1,000,000 Riels (approx. 250USD) to 20,000,000 Riels (approx. 5,000USD).

- **Imitating Trademark, Service Mark, Tradename**

Punishment: 1 month to 1 year and/or 5,000,000 Riels (approx. 1,250USD) to 10,000,000 Riels (approx. 2,500USD).

7. CRIMINAL PROSECUTION

- **Infringing Patent**

Punishment: 1 year to 5 years and/or 5,000,000 Riels (approx. 1,250USD) to 20,000,000 Riels (approx. 5,000USD).

- **Infringing Copyrights**

Punishment: 6 month to 1 year and/or 5,000,000 Riels (approx. 1,250USD) to 25,000,000 Riels (approx. 6,250USD).

7. CRIMINAL PROSECUTION

In addition to the above punishments, the Court is authorized to:

- confiscate counterfeit/pirate goods and revenue obtained through the counterfeiting/piracy;
- confiscate equipment used to commit the offence; and
- order the destruction of the confiscated items or their return to the lawful IP right owner.

THE END

Thank you for your attention!