

UNESCO
WORLD ANTI PIRACY OBSERVATORY

CAMBODIA

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I. Legislation

1. Copyright laws

Copyright is protected in Cambodia through international Agreements, the [Law on Copyrights and Related Rights of 2003](#), as well as other legislation related to enforcement of copyright or affecting copyright protection.

The law on Copyrights and Related Rights was adopted by the National Assembly on January 21, 2003, ratified by the Senate on February 13, 2003, and promulgated on March 5, 2003.

2. Other laws

The other law pertaining anti-piracy measures and copyright enforcement is the Transitional Criminal Code of the United Nations Transitional Authority in Cambodia (Articles 47 and 48)

3. Latest developments and perspectives

4. Summary of legislation

- *Exclusive rights of the authors and of the owners of neighboring rights*

According to [article 18 of the Law on Copyrights and Related Rights](#), the exclusive rights of the author include economic and moral rights.

a) Economic Rights

Economic right is the exclusive right of the author to exploit his/her own work through the authorization of reproduction, communication to the public, and creation of derivative work. Unless otherwise provided by the Law on Copyrights and Related Rights, the author has the exclusive right to act by him/herself or authorize someone to do the followings ([Article 21](#)):

- Translation of his/ her work into foreign language.
- Adaptation and simplification or undertaking any modifications of his/her work.
- Rental or public lending of the original or a copy of an audiovisual work, or a work embodied in a phonogram, a computer program, a database or a musical work in the form of musical notation (excluding computer programs when the program itself is not the main object of the rental).
- Public distribution by sale, rental of the original or a copy of the work that has not already been subject to a sale or transfer of ownership authorized by the owner of copyright;
- Importation into the country, the reproduction copies of his/her works.
- Reproduction of work.
- Public performance of the work.
- Public display of the work
- Broadcasting of the work;
- Other means of communications to the public of the work.

b) Moral Rights

The moral rights of the author are established under [sections 19 and 20 of the Law on Copyrights and Related Rights](#).

The moral right of the author contains the following:

- The author has the exclusive right to decide the manner and the timing of disclosure of his/ her work as well as the principle to govern this disclosure.

- For the purpose of relation with the public, the author enjoys his/ her right in respect of his / her name, title, and work.
- The author has the right to oppose to all forms of distortion, mutilation or modification of the content of his/ her work, which would be prejudicial to his/ her honor or reputation.

The moral rights can be transmitted mortis-causa to the heirs of the author or to the third party in accordance with the provisions stipulated in the will.

In case there is no heir, this right shall be subjected to the administration and governance of the state represented by the Ministry of Culture and Fine Arts.

Exclusive right of the owners of neighbouring rights

- **Performer's rights** ([Articles 41 to 43 of the Law on Copyrights and Related Rights](#))

The performer has the exclusive right to authorize or undertake the following acts:

- Broadcasting and communicating to the public of his/her performance, except for the broadcasting of phonogram fixation of the performance authorized by the performer or re-broadcasting through television broadcasting or having authorization of the first broadcasting organization initially broadcast this performance
- Fixing in phonogram his/ her unfixed performance
- Reproducing a fixation in phonogram of his/ her performance
- Distributing to the public by sale or transfer of ownership, of an original fixation in phonogram of his/ her performance that have not been a subject to any distribution authorized by the performer
- Rental or lending to the public an original fixation in phonogram of his/ her performance or copies thereof.

In addition, unless otherwise agreed, the performer has the following rights:

- Authorizing the broadcasting through any broadcasting organization, but the other broadcasting organizations are not authorized to broadcast this performance.
- Authorizing the broadcasting through any broadcasting organization but that broadcasting organization is not authorized for the fixation of this performance in the phonogram.

Independently of his economic rights, and even after the transfer of such rights, the performer retains the moral right to require his/her written name to be displayed on live performance or fixed performance except for the mode of use necessitates the omission of this mention; and to object to all deformation, mutilation or other modifications of his/her performance which are prejudicial to his/her reputation.

- **Phonogram Producers' rights** (Articles 44 and 45 of the Law on Copyrights and Related Rights)

The phonogram producer has the exclusive right to record, to reproduce, or to communicate to the public his/ her phonogram. He has also the right to:

- Authorize all reproductions, sales, exchanges, leases, and communication to the public of the phonogram.
- Distribute to the public, by sale or by means of transfer of ownership, the original or copies of the phonogram that has not been subjected to any distribution authorized by that producer.
- Import the copy of his/her phonogram for the purpose of communicating to the public.

- **Rights of video producers** ([Article 46 of the Law on Copyrights and Related Rights](#))

All reproduction of video recording for the purpose of communicating to the public, sale, exchange, and lease requires the authorization of the video producer.

- **Rights of the broadcasting organizations** ([Articles 47](#) and [48 of the Law on Copyrights and Related Rights](#))

These organizations have exclusive right to undertake or authorize the fixation of its broadcast, communication to the public, re-broadcasting, reproduction, distribution or first lease of the copy of its broadcast.

The reproduction of any broadcast belonged to the broadcasting organization for the purpose of sale, lease, exchange, broadcasting or communicating to the public anywhere, must require the authorization of the said organization.

- *Exceptions and limitations to copyright*

Limitations to exclusive rights are provided under Articles 23 to 29 of the Law on Copyrights and Related Rights. These limitations include the importation of a copy of a work by a natural person for his personal use; private reproduction of a published work in a single copy by a natural person exclusively for his own personal purposes with restrictions; arrangement to preserve in a library the copy of work for the purpose of conservation or research; free and private representations made exclusively to a close circle of people such as family or friends; use of work for the purposes of education, which is not for financial gain; translation of works from Khmer language into the languages of the ethnic minorities or vice versa; and temporary reproduction of a work provided that this reproduction takes place during the course of utilization of work for which the authorization of the right-holder is granted.

More limitations are permitted provided the source and name of the author are mentioned. These include the analysis and short quotations justified by the critical, polemical, pedagogical, scientific or informative nature of that work; broadcasting of press commentary; dissemination of speeches addresses to the public either entirely or in part, through press release or television broadcasting; adaptation of comic, style or caricature, based on original work; reproduction of graphic or plastic work which is situated in the public place, when this reproduction doesn't constitute the principle subject for subsequent reproduction; citation of a legitimately published work in another work; use a legally published work for the purpose of illustration in publication such as book or newspaper, or by broadcasting, or by audio or visual screening which are intended for educational purposes; and reproduction of any separated articles, articles of the newspaper or magazine, or short extracts of any legally published works provided that the reproduction is made by reprographic means, and must be used for the sake of teaching or for examinations held by any educational establishments of which the activities do not lead directly or indirectly to commercial gain and must be done with appropriate reason according to this specific objective.

Limitations on the protection of neighboring rights are provided under Article 50 of the Law on Copyrights and Related Rights, which stipulates that the following acts are permitted without the authorization of the right-holder, and without payment of any remuneration:

- The reporting of news events, on condition that only short fragments are extracted from the performance or from the substance of phonogram or from a broadcast.
- The reproduction merely for the purposes of scientific research.
- The reproduction for the framework of educational purpose, except for the performance or phonogram which has been produced for the educational purposes.
- Quotation, in the form of short citation extracted from the performance or phonogram or broadcast, provided that such quotation is conformed to the reasonable practice and justified the proper informative objective.

- All other uses constituting exceptions concerning works protected under copyright by the virtue of this law.
- Picture and sound recording for the purpose of wholly or partly simultaneous broadcasting on the realization of a ceremony, meeting or other national events from the broadcasting of the original station.

Excluded from Copyright protection are The Constitution, Laws, Royal Decrees, Sub-Decrees, other Regulations and translation thereof; proclamations (Prakas), decisions, certificates, other instructed circulars issued by state organizations and translation thereof; court decisions or other court warrants and translation thereof; ideas, formalities, methods of operation, concepts, principles, discoveries or mere data, even if expressed, described, explained or embodied in any work (Article 10 of the Law on Copyrights and Related Rights).

- *Protection of foreign works*

In addition to works of authors, performers, and producers of sound recordings who are nationals of the Kingdom of Cambodia, the Law on Copyrights and Related Rights applies to authors who have their habitual residence in Kingdom of Cambodia, including legal entity established under the law of the Kingdom of Cambodia and having headquarters located in the territory on the Kingdom of Cambodia; Works first published in the Kingdom of Cambodia, including works first published abroad provided they are published in the Kingdom of Cambodia within 30 days (thirty days) from the date of the first communication to the public; audiovisual works, the producer of which has his headquarters or habitual residence in the Kingdom of Cambodia; works of architecture erected in the Kingdom of Cambodia and other artistic works incorporated in a building or other structures located in the Kingdom of Cambodia; works for which the Kingdom of Cambodia has obligation to grant protection under international treaties; performers who are not nationals of Cambodia but whose performances take place in the territory of Cambodia; or are incorporated in phonograms that are protected under the Law on Copyrights and Related Rights; or have not been fixed in a phonogram, but are included in the broadcasts qualifying for protection under the law on Copyrights and Related Rights; phonograms first fixed in the Kingdom of Cambodia; phonograms first published in the Kingdom of Cambodia. broadcasts of broadcasting organizations, the headquarters of which are located in the Kingdom of Cambodia; broadcasts transmitted from transmitters located in the Kingdom of Cambodia; and performers, phonogram producers, and broadcasting organizations that are eligible for protection by virtue of and in accordance with any international treaties or other international agreements to which the Kingdom of Cambodia is a party ([Article 3 of the Law on Copyrights and Related Rights](#)).

- *Period of copyright protection*

The protection of economic right runs from the date of the creation of a work. This protection covers the life of the author, and the whole 50 (fifty) years following his/her death. In the case of a work of collaboration, the economic rights shall be protected during the life of the last surviving author and for 50 (fifty) years after his/her death ([Article 30 of the Law on Copyrights and Related Rights](#))

The economic right in a work, published in an anonymous manner or under a pseudonym, is protected within the entire period of 75 (seventy five) years counted from the end of calendar year in which such work has been published, with the right-holder's authorization, for the first time. If such an event failing to occur during the 50 (fifty) years following the creation of this work, 75 (seventy five) years period of protection will be counted from the end of the calendar year in which such work has been made accessible to the public. If such an event failing to occur during the 50 (fifty) years following the creation of that work, 100 (one hundred) years period of protection will be counted from the end of the calendar year of its creation. If, before the expiry of the said period, the

identity of the author is revealed or is established beyond doubt of the public, the protection should be for the lifetime of the author and 50 years after his death (Article 31 of the Law on Copyrights and Related Rights).

The economic rights in a collective, or audiovisual or posthumous work are protected within the entire period of 75 (seventy five) years counted from the end of the calendar year in which such work has been legally published for the first time. If such an event failing to occur in the 50 (fifty) years following the creation of this work, 75 (seventy five) years period of protection will be counted from the end of the calendar year in which such work has been made accessible to the public. If such an event failing to occur during the 50 (fifty) years following the creation of this work, the 100 (one hundred) years of protection will be counted from the end of the calendar year of its creation (Article 31).

The duration of protection for performer shall be 50 (fifty) years following the calendar year in which the performance was fixed in the phonogram, or in the absence of such fixation, from the end of the calendar year in which the performance took place. The duration of protection for the phonogram producer shall be 50 (fifty) years following the calendar year in which the phonogram has been published, or in the absence of such publication, from the end of the year following the fixation of the phonogram. The duration of protection of the broadcasting program of the broadcasting organization shall be 50 (fifty) years following the end of calendar year in which this program has been broadcast (Article 53 of the Law on Copyrights and Related Rights).

- *Registration*

Registration of Copyright is optional in Cambodia. Every work is automatically protected. The authors or right-holders may deposit their works at the Ministry of Culture and Fine Arts and registration may be voluntarily done. This registration requires the record of the author's real name, date of the first publication of work, and date of the creation of work, as well as the record of the author's right. The Ministry of Culture and Fine Arts shall issue the Certificate of Registration for the registered work. The applicant has to pay registration fee in accordance with the Joint-Declaration (PRAKAS) of the Ministry of Culture and Fine Arts and the Ministry of Economy and Finance (Articles 38 to 40 of the Law on Copyrights and Related Rights).

5. International treaties

Cambodia is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Universal Copyright Convention](#) (UCT)
- [WTO Agreement on Trade Related Aspects of Intellectual Property Rights](#) (TRIPS)

Cambodia signed on October 26, 1961 the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations but did not ratify it yet.

II. Measures and remedies

1. Copyright infringement

There is no clear definition of copyright infringement under the Law on Copyrights and Related Rights. However, definition can be deduced from several provisions which identify illegal acts, in particular the following (Articles 62, 64 and 65):

- All production, reproduction, or performance, or communication to the public, by whatever means, (of a work) in violation of the author's right
- The importation or exportation of product obtained from the infringed acts of Reproduction.
- All production or reproduction (of a work) without having authorization of the performer or phonogram producer or video producer or broadcasting organization.
- The importation or exportation of phonogram, cassette, or video cassette without authorization of the performer or phonogram producer or video producer or broadcasting organization.
- The broadcasting by broadcasting organization without permission of the performer or phonogram producer or video producer or broadcasting organization.
- The production or importation for sale or lease of any device or means specifically designed or adapted to circumvent any device or means or intend to restrict the quantity of the reproduction of a work, a phonogram or a broadcast, or to impair the quality of the copies being made.
- The production or importation for sale or lease of any device or means that is susceptible to assist the unauthorized person in the reception of any encrypted, program, which is broadcast or otherwise communicated to the public, including the broadcasting by satellite.
- The suppression or modification, without being permitted by the right holder, of all information related to the regime of rights presented in electronic form.
- The distribution or importation for the purpose of distribution, broadcasting through broadcasting, organization, communication to the public or making available to the public, without authorization, of works or performances, of phonogram or broadcast of the broadcasting organization, while knowing that the information relating to the regime of rights, presented in electronic form, has been already suppressed or modified.

There are no specific provisions concerning Internet Copyright Infringement.

2. Remedies to protect copyright holders

There are different types of remedies to protect copyright holders.

Civil Remedies

- Provisional measures may be taken by the court to prevent an imminent or continuation of infringement of copyright and related rights and to ensure the conservation of evidence, especially the confiscation of subject matters reproducing from the unauthorized reproduction of a work. (Articles 57 and 59 of the Law on Copyrights and Related Rights).
- Legal action may be instituted by the right holder (Article 57 of the Law on Copyrights and Related Rights).
- Seizure of suspect articles and infringing goods may be ordered by the court (Articles 59 to 61 of the Law on Copyrights and Related Rights).
- Confiscation, destruction of equipment or materials being produced or used or made available in an illegal manner, or of equipment used in the violation, and which are found in the possession of the defendant or are being held by the application of the law (Article 58 of the Law on Copyrights and Related Rights).
- Confiscation of all or parts of the revenue obtained through the acts of infringement, and equipment specially installed for the purpose of committing the offence (Article 66 of the Law on Copyrights and Related Rights).

- Returning to the owner of copyright or related right, the confiscated materials or equipment, without prejudice to any moral injury to be compensated (Article 66 of the Law on Copyrights and Related Rights).
- Destruction of the confiscated materials or equipment (Article 66 of the Law on Copyrights and Related Rights).
- Fair and adequate damages may be imposed including moral damages, and benefits deriving from the illegal act (Article 57 of the Law on Copyrights and Related Rights).

Criminal Remedies

- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of one month and a maximum term of twelve months, and/or a fine varying from 1,000,000 (one million) Riels to 25, 000, 000 (twenty five million) Riels. Double punishment is applied in case of repeated offense (Articles 64 and 65 of the Law on Copyrights and Related Rights).

3. Provisional measures

The Copyright Law (Articles 57 to 61) permits the court to take provisional measures to prevent an imminent or continuation of infringement of copyright and neighboring rights. In this case, the court may order:

- The prohibition of the violation of the protected rights for imminent infringements.
- The defendant to desist from violating the protected rights in case of continuation of infringement. The complainant may file petition to have the defendant being subjected to the compensation of damages, to the redress of moral injury, and to the return of the disputed equipment or materials, as well as to the return of any benefits deriving from that illegal act.

The court has authority to order the confiscation, destruction of equipment or materials being produced or used or made available in an illegal manner, or of equipment used in the violation, and which are found in the possession of the defendant or are being held by the application of the law on Copyrights and Related Rights.

The court has authority to order all provisional measures necessary to ensure the conservation of evidence, especially the confiscation of subject matters reproducing from the unauthorized reproduction of a work.

The complainant is held responsible for the injury caused to the defendant, if his/ her petition is proved to be unfounded by the court.

Within 30 (thirty) days of the seizure, owner of the seized property, or a third party who governs the seized equipment or materials, can file petition to the court for the lifting of this seizure or to limit its effects.

Within 30 (thirty) days of the seizure, if there is no sufficient petition being filed to the court, the court may order the lifting of this seizure based on the request of the seized property's owner, or on the request of a third party who governs the seized property.

4. Penalties for copyright infringement

- Infringement of production or reproduction is punishable by 6 to 12 months and / or 5,000,000 Riels to 25,000,000 Riels fine. Double punishment is applied in case of repeated offense. (Article 64 of the law on Copyrights and Related Rights)
- The importation or exportation of product obtained from the infringed acts of reproduction is punishable by 6 to 12 months and/ or 2,000,000 Riels to 10,000,000 Riels fine. Double punishment is applied in case of repeated offense (Article 64 of the law on Copyrights and Related Rights).
- Infringement of performance or communication to the public is punishable by 1 month to 3 months and/ or 1,000,000 Riels to 5,000,000 Riels fine. In case of having several offenses, punishment will be multiplied by the number of offense. Double punishment of the previous cases is applied in case of repeated offense (Article 64 of the law on Copyrights and Related Rights).
- All production or reproduction (of a work) without having authorization of the performer or phonogram producer or video producer or broadcasting organization is punishable by 6 to 12 months imprisonment and/ or 5,000,000 Riels to 25,000,000 Riels fine. In case of repeated offense, double punishment will be applied (Article 65 of the law on Copyrights and Related Rights).
- The importation or exportation of phonogram, cassette, or video cassette without authorization of the performer or phonogram producer or video producer or broadcasting organization is punishable by 1 month to 3 months and/ or 2,000,000 Riels to 10,000,000 Riels fine. Double punishment is applied in case of repeated offense (Article 65 of the law on Copyrights and Related Rights).
- The broadcasting by broadcasting organization without permission of the performer or phonogram producer or video producer or broadcasting organization is punishable by 1 month to 3 months and/ or 1,000,000 Riels to 10,000,000 Riels fine. Double punishment is applied in case of repeated offense (Article 65 of the law on Copyrights and Related Rights).
- Seizure of suspect articles and infringing goods may be ordered by the court (Articles 59 to 61 of the Law on Copyrights and Related Rights).
- Confiscation, destruction of equipment or materials being produced or used or made available in an illegal manner, or of equipment used in the violation, and which are found in the possession of the defendant or are being held by the application of the law (Article 58 of the Law on Copyrights and Related Rights).
- Confiscation of all or parts of the revenue obtained through the acts of infringement, and equipment specially installed for the purpose of committing the offence (Article 66 of the Law on Copyrights and Related Rights).
- Returning to the owner of copyright or related right, the confiscated materials or equipment, without prejudice to any moral injury to be compensated (Article 66 of the Law on Copyrights and Related Rights).
- Destruction of the confiscated materials or equipment (Article 66 of the Law on Copyrights and Related Rights).

5. Requirements for foreign persons

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

b) Enforcement bodies entitles to act ex-officio in copyright infringement cases

c) Courts dealing with copyright cases

2. Enforcement at the border

According to Article 63 of the law on Copyrights and Related Rights, the customs authority can, based on the written petition of the owner of copyright or related right owner, retain under its framework of merchandise control, of which in the opinion of the right-holder constitutes the infringed goods. The court, competent authority who is the petitioner, and the governor of goods should be informed, without delay, by the customs authority, of the confiscation to which applied by this institution in regard to the said goods.

Subjected to the customs legislation which is contradicted to this provision, this measure can be rightfully lifted, in the case that within the period of 10 working days, counted from the date of notification on merchandise retention, the petitioner fails to prove any justified evidence to the customs authority in regard to:

- The request to the court for the retention measure, as specified in article 59 of the law on Copyrights and Related Rights.
- The petition to the court which is constituted he required security in order to cover any eventual responsibilities.

The petitioner is held responsible for the injury caused by the retention of goods, if his/ her petition proves to be unfounded.

The provisions on border measures specified in the “Law on Marks, Trade name and Acts of Unfair Competition” must be applied for the supplement utilization of this article.

IV. Public Awareness

1. Awareness campaigns and actions

2. Promotion of legal exploitation

3. Associations and organizations with awareness-raising purpose

Article 56 of the law on Copyrights and Related Rights provides that the author of work and related-right holder can establish the collective management organization to protect and manage their economic rights.

The establishment of collective management organization of author’s right, performers’ right and phonogram producer’s right or video producers’ right must require the recognition of the Ministry of Culture and Fine Arts.

The Collective Management Organization of Broadcasting Right via radio, television, and cable television of the broadcasting organizations shall require the recognition of the Ministry of Information.

4. Best practices

V. Capacity-building

1. Training

2. Establishment of specialized units and intersectoral groups

3. Best practices

VI. Other

1. TPM/DRM

The Copyright Act provides protection for Technological Protection Measures (TPM) and Rights-Management Information through imposing criminal sanctions on any person who commits any of the following acts (Article 62 of the Law on Copyrights and Related Rights):

- The production or importation for sale or lease of any device or means specifically designed or adapted to circumvent any device or means or intend to restrict the quantity of the reproduction of a work, a phonogram or a broadcast, or to impair the quality of the copies being made.
- The production or importation for sale or lease of any device or means that is susceptible to assist the unauthorized person in the reception of any encrypted, program, which is broadcast or otherwise communicated to the public, including the broadcasting by satellite.
- The suppression or modification, without being permitted by the right holder, of all information related to the regime of rights presented in electronic form.
- The distribution or importation for the purpose of distribution, broadcasting through broadcasting, organization, communication to the public or making available to the public, without authorization, of works or performances, of phonogram or broadcast of the broadcasting organization, while knowing that the information relating to the regime of rights, presented in electronic form, has been already suppressed or modified.

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Contact Details