



Malaysia

IP OFFICE

Industrial Property (Patents, Trademarks, Industrial Designs and Copyright)	
Competent Authority	Intellectual Property Corporation of Malaysia (MyIPO)
Web site address	http://www.myipo.gov.my
Address	Unit 1-7, Ground Floor Tower B, Menara UOA Bangsar No. 5, Jalan Bangsar Utama 1 59000 Kuala Lumpur
Telephone	(603) 22 99 8400 (603) 22 99 8989 (Fax)
E-mail	ipmalaysia@myipo.gov.my

MAIN IP INTERNATIONAL CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Signature	In Force Since
1.	Berne Convention	October 1, 1990
2.	Nice Agreement	September 28, 2007
3.	Paris Convention	January 1, 1989
4.	Patent Cooperation Treaty	August 16, 2006
5.	Vienna Agreement	September 28, 2007
6.	WIPO Convention	January 1, 1989
7.	WIPO Copyright Treaty	December 27, 2012
8.	WIPO Performances and Phonograms Treaty	December 27, 2012
9.	WIPO Madrid Protocol	December 27, 2019

For more information please refer to: https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=134

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	<ul style="list-style-type: none"> - Originality - In material form - No copyright registration process in Malaysia however we provide voluntary notification procedure 	<p>Life of author + 50 years for literary, musical & artistic work.</p> <p>50 years after first publication or if it is not published, 50 years after creation - for sound recordings.</p> <p>50 years after the first broadcast was made - for broadcasts.</p> <p>50 years after the film was first published - for film.</p> <p>50 years after the first edition was published – for published edition.</p> <p>50 years after first publication - for works made by or for the Government, Government organizations and international bodies.</p>	Intellectual Property Corporation of Malaysia (MyIPO)
Trademarks	<ul style="list-style-type: none"> - Distinctiveness - Not in conflict with prior signs - Not generic - Not descriptive - Not contrary to Public Order/Morality 	10 years renewable	Intellectual Property Corporation of Malaysia (MyIPO)
Patents	<ul style="list-style-type: none"> - Falls within the meaning of invention (Sec. 12) - Novelty - Inventive step - Industrial Applicability - Excluded from Non-patentable invention 	20 Years	Intellectual Property Corporation of Malaysia (MyIPO)
Utility	<ul style="list-style-type: none"> - Falls within the meaning of 	10 Years (extendable for	Intellectual Property

Innovations	invention (Sec. 12) <ul style="list-style-type: none"> - Novelty - Inventive step is NOT a requirement - Industrial Applicability - Excluded from non-patentable invention 	additional 5 years + 5 years - maximum 20 years)	Corporation of Malaysia (MyIPO)
Industrial Designs	<ul style="list-style-type: none"> - Fulfill the notion of Industrial Design (Sec. 3(1)) - New in Malaysia or elsewhere - Not contrary to public order or morality 	5 Years (Renewable for 4 consecutive terms for a maximum 25 years)	Intellectual Property Corporation of Malaysia (MyIPO)

PATENT SYSTEM	
National Law	The Patents Act 1983 https://wipolex.wipo.int/en/legislation/details/7545
Requirement of Agent for foreigners	Yes
Language in which request may be filed	English or National Language [Section 780 (a)]
Non-Patentable Subjects	<ul style="list-style-type: none"> - Discoveries, scientific theories and mathematical methods; - Plant or animal varieties or essentially biological processes for the production of plants or animals, other than man-made living micro-organisms, micro-biological processes and the products of such micro-organism processes; - Schemes, rules or methods for doing business, performing purely mental acts or playing games; - Methods for the treatment of human or animal body by surgery or therapy, and diagnostic methods practiced on the human or animal body. (Sect. 13)
Substantive Examination	Yes (Sect. 29, 29A & 30)
PCT international application through the national office of the country as a receiving office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_my.pdf
PCT international application to the national office of the country as a designated office under the PCT	https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/my.pdf

INDUSTRIAL DESIGN SYSTEM	
National Law	The Industrial Design Act, 1996 https://wipolex.wipo.int/en/legislation/details/16605
Language	English
Non-Registrable Subjects	<ul style="list-style-type: none"> - A method or principle of construction - The designs of articles that depend upon the appearance of another article which forms an integral part of the article. - It differs only in immaterial details or features from previous designs. - The features of the article are dictated solely by function.
Substantive Examination	Yes. An examination of novelty is carried out by MyIPO.
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	Malaysia is not a party to the Hague system yet.

TRADEMARK SYSTEM	
National Law	The Trade Marks Act 2019 (Into force as of 27 December 2019) Refer www.myipo.gov.my (Please go to Trademark Section)
Subjects of Protection	Any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape of goods or their packaging, colour, sound, scent, hologram, positioning, sequence of motion or any combination thereof; (Sect. 2)
Language	English
Term of Trademark Protection	10 years renewable (Sect. 39)
Non-Registrable Subjects	<p>Absolute grounds (Sect. 23):-</p> <ul style="list-style-type: none"> • Non-distinctive marks; • Descriptive marks; • Trademarks that consist of signs or indications that are customarily used in trade; • Trademarks consisting exclusively of the name of a country; • Trademarks that contain or consist of recognized geographical indications. • Trademarks that are deceptive or confusing; • Trademarks that are contrary to law; • Etc. (See the rest of the grounds in Sec. 23) <p>Relative grounds (Sect. 24):-</p> <ul style="list-style-type: none"> • Trademarks identical or similar to earlier trademarks • Trademarks identical or similar to well-known trademarks

	<ul style="list-style-type: none"> • See the details in Sec. 24.
Substantive Examination	Yes
Opposition System	Yes. Opposition against a trademark application in Malaysia can be filed after its publication in the official gazette. (Sect. 34 & 35)
International application through the national office of the country as an office of origin under the Madrid System	The Madrid system is in force in Malaysia as of 27 December 2019.
International application to the national office of the country as a designated office of designated country under the Madrid System	The Madrid system is in force in Malaysia as of 27 December 2019.

COPYRIGHT SYSTEM	
National Law	The Copyright Act 1987 https://wipolex.wipo.int/en/legislation/details/7603
Subjects of Protection	<ul style="list-style-type: none"> - Literary works; - Musical works; - Artistic works; - Films; - Sound Recordings; - Broadcasts; - Derivative work; and - Performances
Foreign Copyright Holders	Malaysia is a party to Berne Convention, hence work of foreign copyright holders are automatically protected.
Moral Rights	<p>Moral Rights consists of:</p> <ul style="list-style-type: none"> - Paternity Rights: Allows the author to claim the originality rights of his or her creation. - Integrity Right: Authorizes the author to prevent any users from distortion, mutilation or other modifications of his or her work. <p>(Sect. 25 and 25 A)</p>
Economic Rights	<p>The copyright conferred by the Copyright Act is a bundle of exclusive rights in relation to the work or material in question. They include:</p> <ul style="list-style-type: none"> - Rights of reproduction, - Rights of communication to public, - Rights to perform, showing or playing to the public, Rights of distribution and rights of commercial rental. <p>(See the full list in Sect. 13)</p>

TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

- Platcom Ventures Sdn. Bhd is a technology transfer office wholly owned by National Innovation Agency Malaysia (AIM). Platcom provides end to end commercialization facilitation to businesses i.e. from ideation to commercialization, which includes funding, consultation, IP filing and etc. (For more details, see platcomventures.com)
- SIRIM Tech Venture Sdn Bhd (STV) is a technology transfer office, wholly-owned subsidiary of SIRIM Berhad. STV is the commercialisation arm of SIRIM Berhad and anticipates accelerating the commercialisation of research and innovation into the marketplace. (For more details, see sirimtechventure.my).
- Malaysia Technology Development Corporation (MTDC) has been involved in technology commercialisation in Malaysia and promoting the adoption of technologies by local companies in the past 25 years. MTDC is involved in the business of Fund Management, Incubation, Advisory, and Nurturing Services. (For more details, see mtdc.com.my)
- Technology Park Malaysia Corporation Sdn Bhd (TPM) is an innovation facilitator and technology enabler in Malaysia. It operates under the auspices of the Ministry of Energy, Science, Technology, Environment and Climate Change (MESTECC). (For more details, see tpm.com.my)
- Some notable public institutions also that have their own technology transfer office (TTO):-
 - Universiti Putra Malaysia – TTO: Putra Science Park (PSP)
 - University Malaya – TTO: University of Malaya Centre of Innovation & Commercialization (UMCIC)
 - Universiti Teknologi Malaysia – TTO: Innovation and Commercialisation Centre (ICC)
 - Universiti Kebangsaan Malaysia – TTO: Centre for Collaborative Innovation (PIK)
 - Universiti Sains Malaysia – TTO: Innovation Office (ICO)
 - Malaysia Palm Oil Board (MPOB)
 - Forest Research Institute of Malaysia (FRIM)
 - Etc. Most public research organizations have established dedicated units or companies to facilitate technology transfer.

Innovation and Technology Managers Association (ITMA) was established by a group of technology transfer managers from public universities, government agencies related to technology commercialization and IP services and consultancy agency. (Refer itma.my for details)

ATTORNEYS IN THE COUNTRY

Please see official list at:

- For Registered Patent Agents: <http://www.myipo.gov.my/en/patent-agent/?lang=en>
- For Registered Trademark Agents: <http://www.myipo.gov.my/en/managing-your-trademark/?lang=en%2F#trademark-agent>

For Registered Industrial Design Agents: <http://www.myipo.gov.my/en/industrial-design-agent/?lang=en>

FILING PROCEDURES

Patents

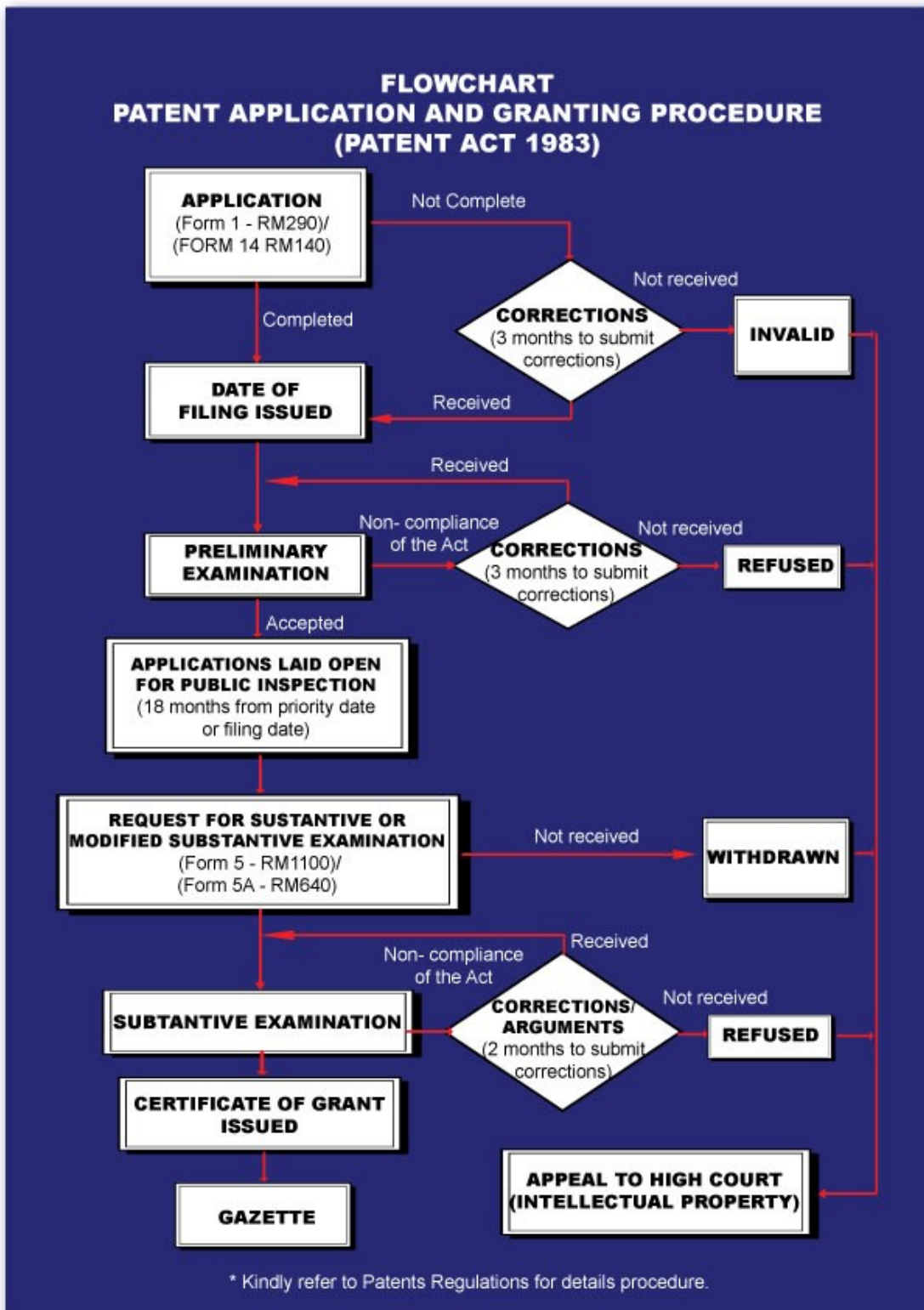
Procedures for obtaining a Patent in Malaysia under the National Law

1. Once a complete application is filed with the Intellectual Property Corporation of Malaysia (MyIPO), a filing date is issued and the application is processed for preliminary examination.
2. During the preliminary examination, if the application is accepted, it will be open for public inspection after 18 months from the filing date.
3. If the application is not accepted in the preliminary examination, the patent office suggests corrections, which are to be submitted by the applicant within 3 months. Post submission of corrections, if an application is accepted, it will be open for public inspection after 18 months from the filing date (see above).
4. The applicant would need to request for substantive or modified substantive examination before the end of 18 months from the filing date of the application.
5. During the substantive examination, if the application is accepted, a patent grant certificate is issued and the bibliographic data together with the abstract of the invention will be published in official gazette.
6. In case the Patent Office requires corrections or amendments, these are to be provided within a time frame of 2 months.
7. In case, the corrections are not received within the due date, the application is refused.

Additional information relating to the Procedures for obtaining a Patent in Malaysia through PCT

- The time limit for entering the Malaysia national phase of a PCT application is 30 months from the priority date.
- Special Requirement of Intellectual Property Corporation of Malaysia (MyIPO) for entry into National Phase:
 - Name and address of the inventor if they have not been furnished in the "Request" part of the international application.
 - Statement justifying the applicant's right to the patent where the applicant is not the inventor.
 - Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application.
 - Appointment of an agent if the applicant is not resident in Malaysia.
 - Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Flow Chart for obtaining a Patent in Malaysia



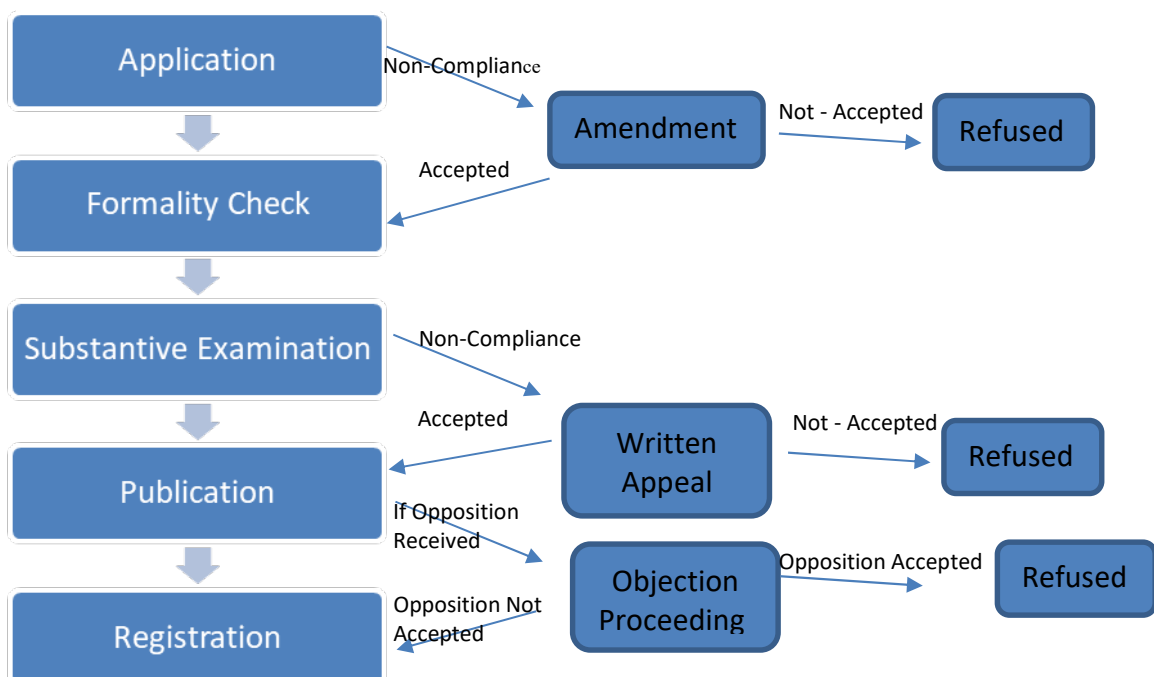
Trademarks

Procedure for obtaining a Trademark in Malaysia under the National Law

NB: as of October 20, 2019 the Trademarks Regulation is in the process of being drafted by the trademark and legal team. It will be finalized before 27 Dec 2019. The procedure below may therefore be amended. Please refer to MyIPO's web site for updates.

1. Once an application for the registration of trademark is filed with MyIPO, it undergoes a formality check. In case some Trademark Office is of the opinion that some amendments are required, the applicant has to submit the amended application within 8 - 10 months' time.
2. Once the application passes the stage of formal examination, it undergoes the substantive examination. If an application is accepted during the substantive examination, it is published in the official gazette for two months to allow for possible objections from the public.
3. If no objection is received, the applicant is granted a certificate of registration. In case of objections, inter-parte hearings are conducted. If the opposition is accepted, the application for registration is refused. If the opposition is refused, the application is accepted and applicant is granted a certificate of registration.
4. If the trademark application is refused during the substantive examination stage, the applicant is allowed to file a written appeal. If successful the application is published in the official gazette for two months to allow for possible objections from the public.

Flow Chart for obtaining a Trademark in Malaysia



Industrial Designs

Procedures for obtaining an Industrial Design in Malaysia under the national law

1. An application for registration for a design must be filed with MyIPO.
2. It undergoes a formality examination.
3. In case objections are raised by the Design Officer, the applicant will have to amend and submit a modified application within 3 months, after which the application undergoes novelty examination.
4. If an application passes the novelty examination, a certificate of design registration is issued.
5. In case the application is objected during this stage, the applicant will have to submit its response within 3 months. If the response is accepted, a certificate of design registration is issued and the registration is published in official gazette.

Flow Chart for obtaining an Industrial Design in Malaysia

