



INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA

MALAYSIAN PATENT SYSTEM

2019 SEMINAR ON THE IP LANDSCAPE IN NEW SOUTHBOUND COUNTRIES

ZAITON NORDIN

DIRECTOR, PATENT FORMALITY AND INTERNATIONAL DIVISION

BACKGROUND

**Trade Marks and Patents
Registration Office - MTI
(1983)**



**INTELLECTUAL PROPERTY
DIVISION
MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS
(1990)**

**INTELLECTUAL PROPERTY
CORPORATION OF
MALAYSIA
3 MARCH 2003**



ORGANIZATION CHART

MINISTRY OF DOMESTIC TRADE, COOPERATIVES AND
CONSUMERISM

MEMBERS OF CORPORATION

INTELLECTUAL PROPERTY
CORPORATION OF MALAYSIA



LEGISLATIONS ADMINISTERED



Intellectual Property
Corporation of
Malaysia Act 2002



Trade Marks Act
1976



Patents Act 1983



Copyright Act 1987



Industrial
Designs Act
1996



Geographical
Indications Act
2000



Layout-Designs
of Integrated
Circuits Act
2000

PATENT SYSTEM

Patents Act 1983

- ▶ latest amendment was in 2006, in force Aug. 16, 2006

Patents Regulations 1986

- ▶ Latest amendment was in 2011, in force Feb. 15, 2011

ASSESSING PATENTABILITY

- ▶ Novelty [Section 14]
- ▶ Inventive Steps [Section 15]
- ▶ Industrial Applicable [Section 16]

TYPE OF PROTECTION

Patent

An exclusive right granted by a government to an inventor/assignee

Protected twenty (20) years from the date of filing of an application.

Subject to payment of annual renewal fees by patentee or owner

Utility Innovation

An exclusive right granted for a "minor" invention

Protected 10 + 5 + 5 years from the date of filing subject to use.

▶ Manual

▶ On-line

*** English

*** Bahasa Malaysia

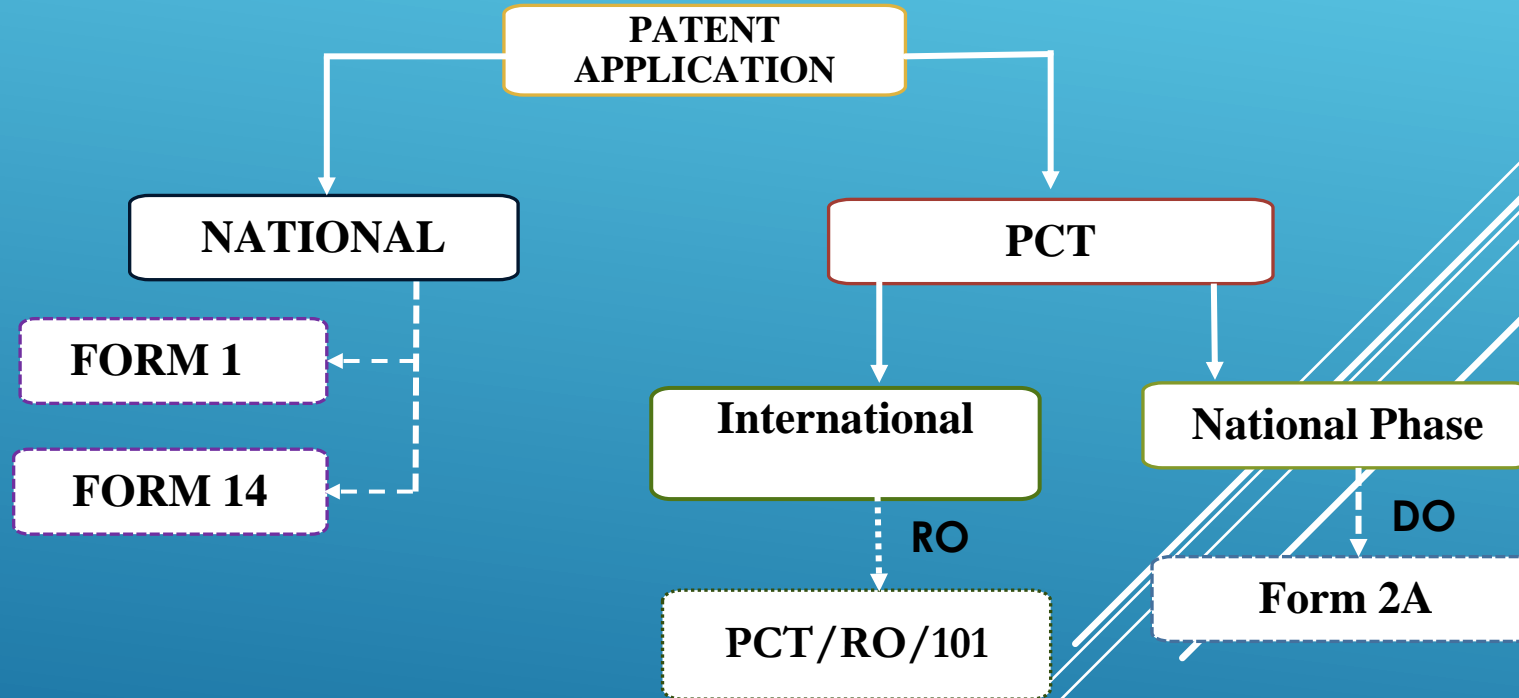
APPLYING FOR A PATENT/UTILITY
INNOVATION

PATENT AGENT (S86)

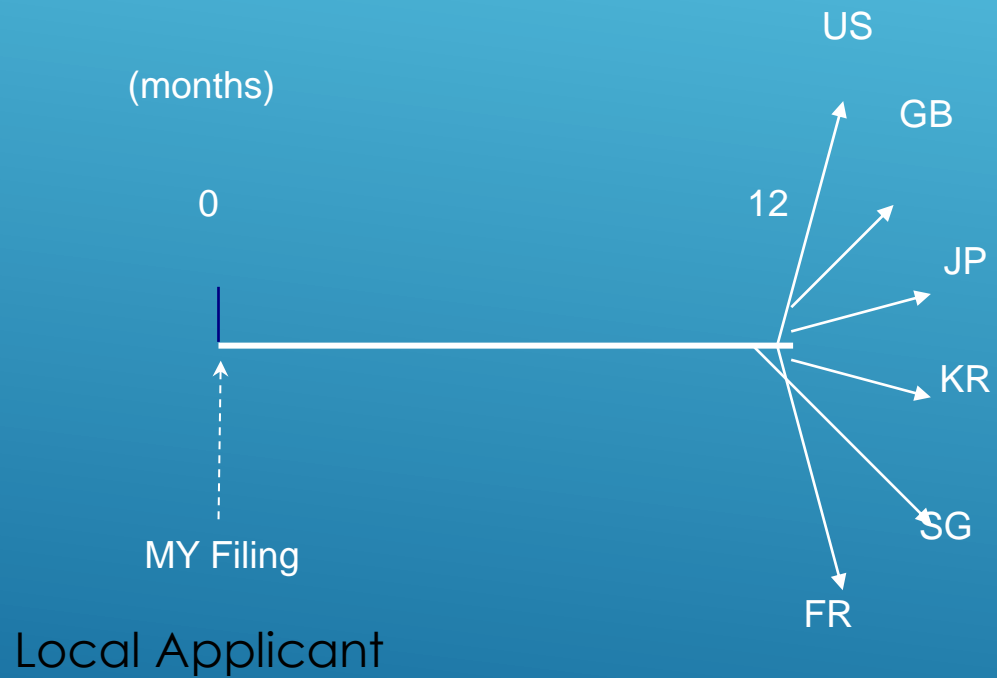


- No person shall carry on business, practise, act, describe himself or permit himself to be described as a patent agent unless he is registered in the **Register of Patents Agents**.
- A person who has neither his domicile nor residence in Malaysia may not proceed before the Registration Office in respect of his patent except through a patent agent.

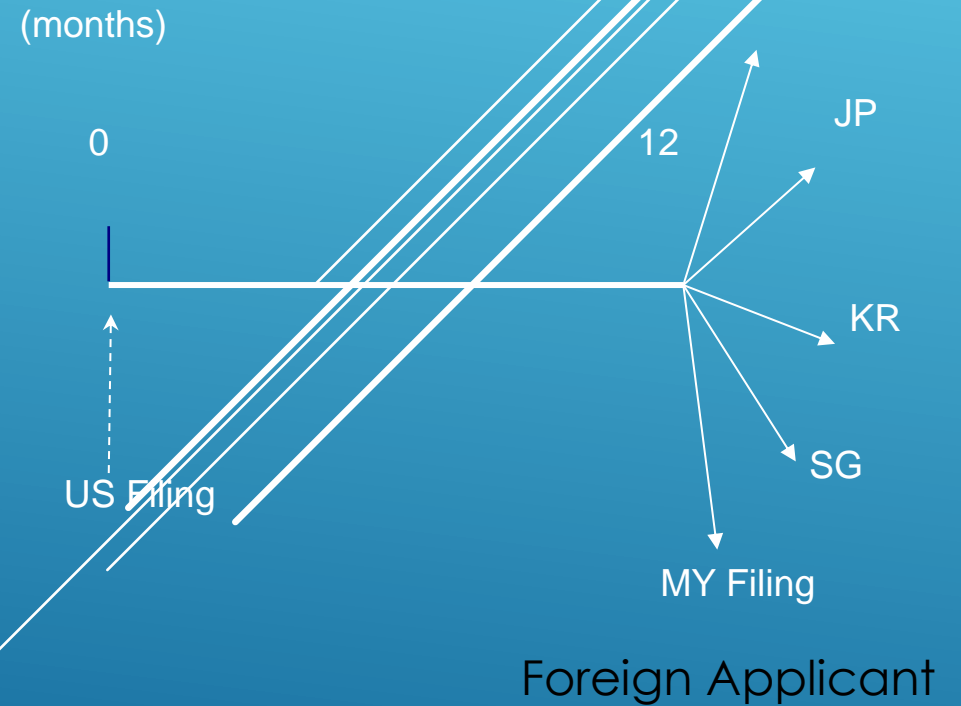
PATENT APPLICATION



PATENT APPLICATION USING NATIONAL PATENT SYSTEM

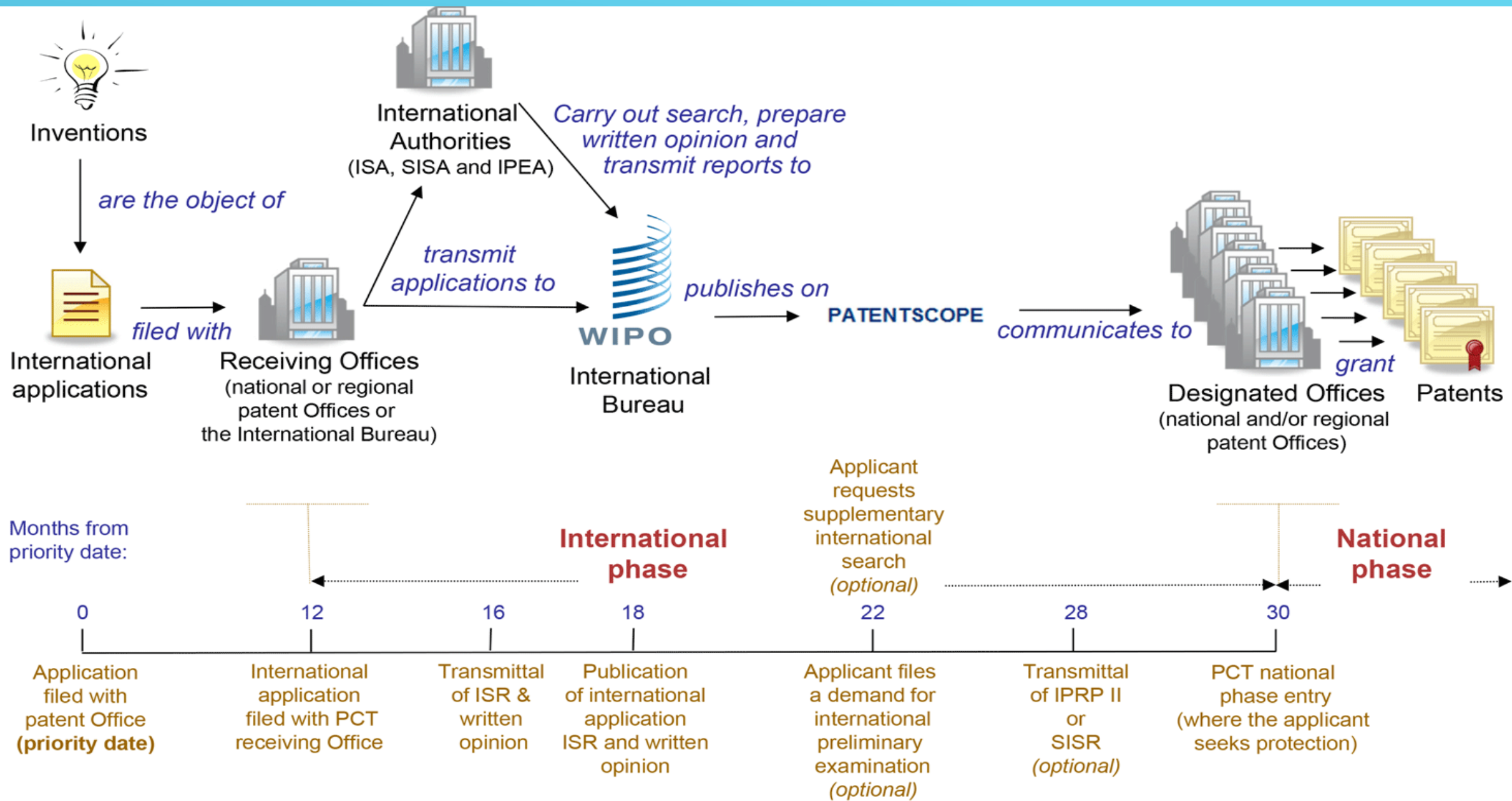


OR



PCT ENTERING NATIONAL PHASE (Sec.78O)

- To enter the national phase, **before the expiration of 30 months from the priority date**,
 - submit a copy of the IA in the English language
 - Pay the prescribed fee using Form 2A
- Application which entered the national phase shall comply with the requirements of the Malaysian Patents Act



PATENT & CERTIFICATE FOR UTILITY INNOVATION GRANTING PROCEDURE

FORM 1 (Patent) /14
(Utility Inn.),
SPECIFICATION
(*Description, Claim,
Abstract*)

APPLICATION REQUEST

Application examined to determine
filing date



PRELIMINARY EXAMINATION

Administrative staff report on formality
requirements



After 18 months from the priority,
an application is made available
for public inspection

PUBLIC INSPECTION

Inspection under Section 34

FORM 5 (Substantive) >> within
18 months from
date of filing

SUBSTANTIVE EXAMINATION REQUEST



Upon grant, the patentee or certificate
owner has the right to institute court-
proceedings against any person using
the invention or utility innovation
without his permission

GRANT OR REFUSAL

Granted patent or utility innovation
published



PATENT APPLICATION PROCESSING



RECEIVED APPLICATION

- FILING DATE



PRELIMINARY EXAMINATION

- FORMALITY REQUIREMENTS



SUBSTANTIVE EXAMINATION

- COMPLY TO THE ACT



PATENT GRANT

- RENEWAL

REQUEST FOR EXAMINATION

Substantive Examination

- Submit Form 5 with prescribed fees

Modified Examination

- Submit Form 5A with prescribed fees

Expedited Examination

- Form 5/5A have been submitted
- Submit Form 5H with prescribed fees

REQUEST FOR MODIFIED EXAMINATION

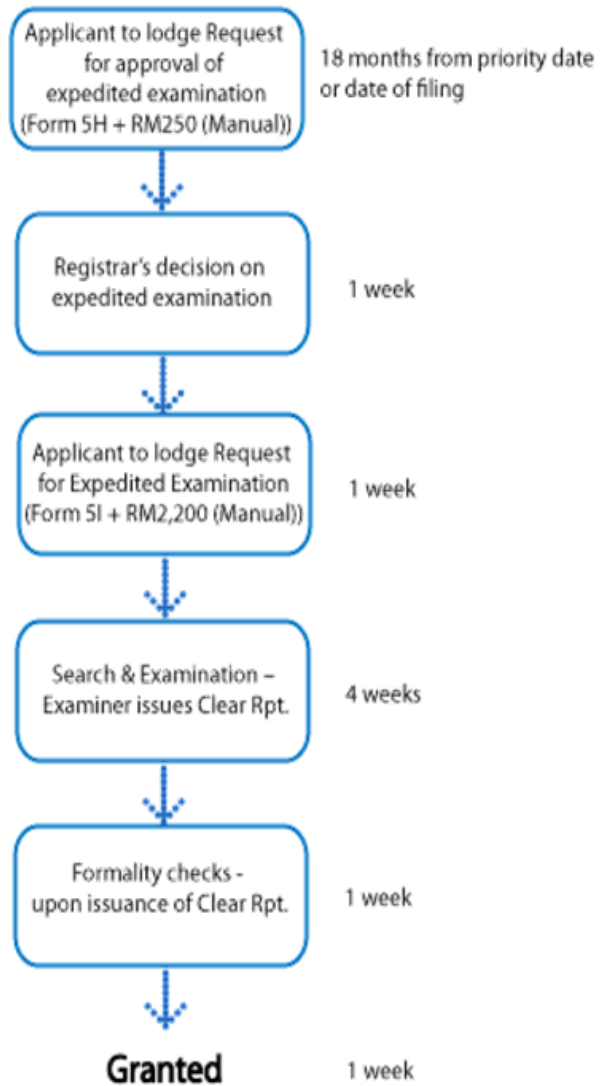
Certified true copy of the patent granted of prescribe countries :

EP, JP, KR, GB, US and AU

amendments required into conformity with the granted patent

EXPEDITED EXAMINATION

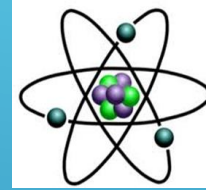
- Request for Subst. Exam. (F5/F5A) has been made.
- After 18 months from priority date - Request for Approval for Expedited Exam. (F5H).
- Criteria :
 - i. national /public interest ;
 - ii. Infringement proceeding ;
 - iii. commercialized the invention ;
 - iv. to obtain monetary benefits from Government ;
 - v. green technologies ; or
 - vi. other reasonable grounds
- A statutory declaration.
- Filed F5I within 5 days from the Registrar's decision.



REQUEST FOR EXPEDITED EXAMINATION

NON-PATENTABLE INVENTIONS (S13)

- (a) discoveries, scientific theories and mathematical methods ;
- (b) plant or animal varieties or essentially biological processes for the production of plants or animals, other than man-made living organisms, micro-biological processes and the products of s micro-organism processes ;



$$\int_{-\infty}^{\infty} \sqrt{\frac{\sqrt{x^n} + 1}{\alpha + \beta^\gamma}} dx$$





- (c) schemes, rules or methods for doing business, performing purely mental acts or playing games ;

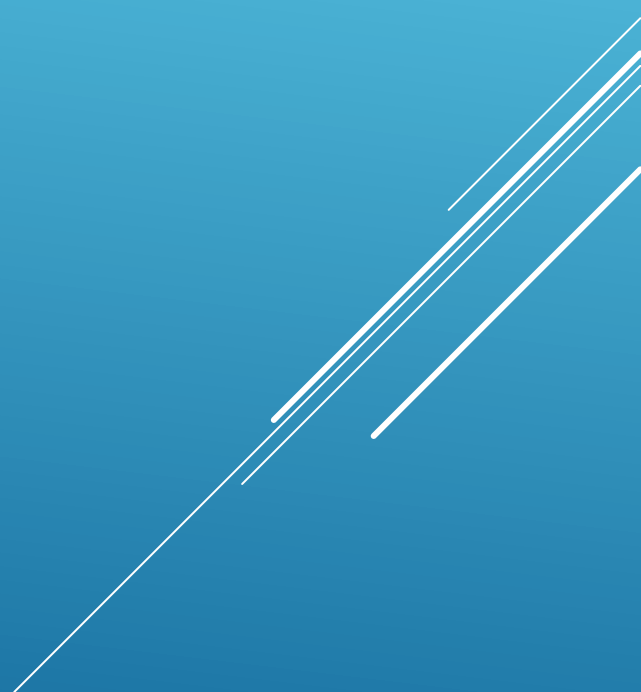


- (d) methods for the treatment of human or animal body by surgery or therapy, and diagnostic methods practiced on the human or animal body :

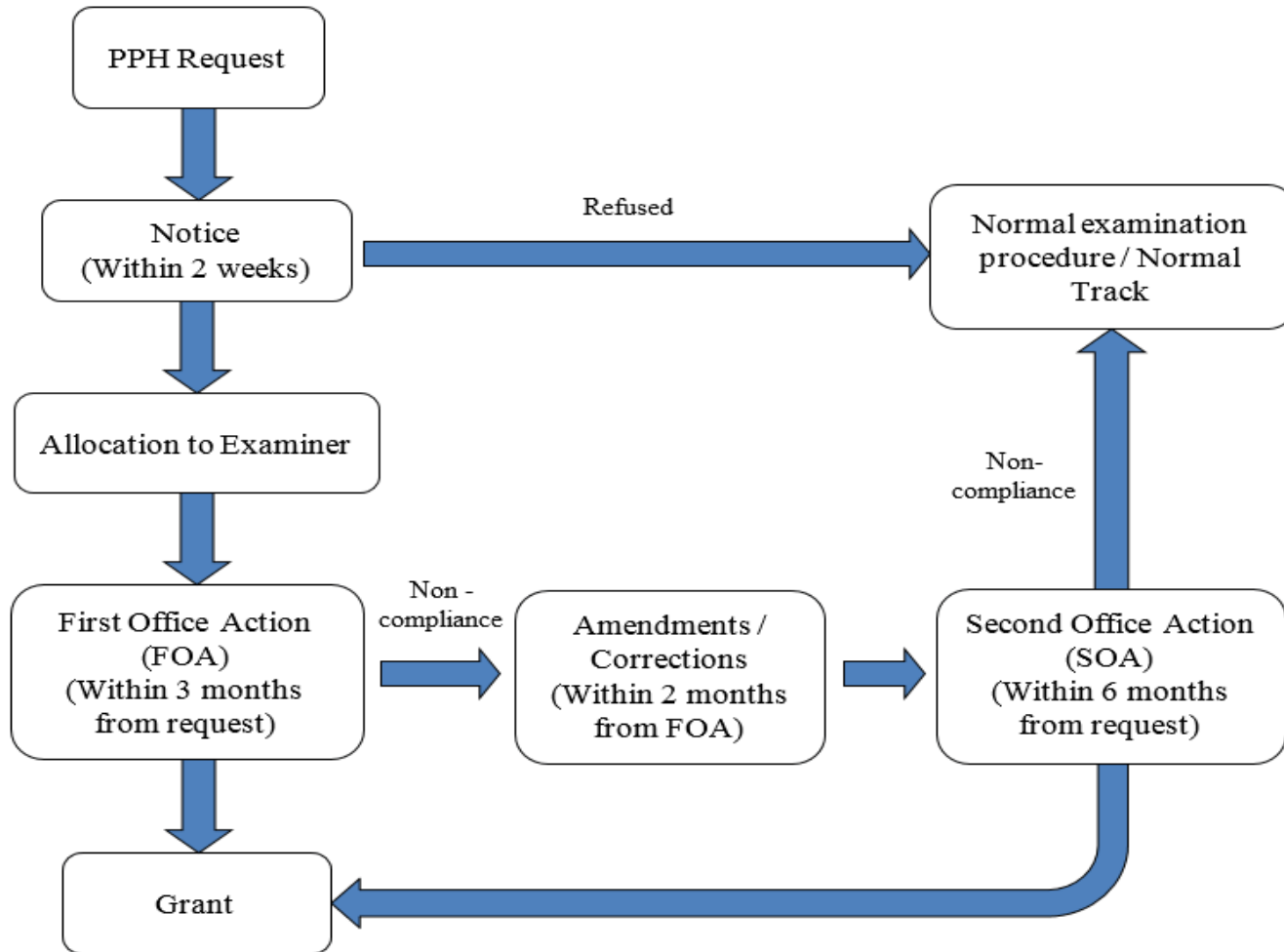
provided that this shall not apply to products used in any such methods.



OTHER INITIATIVES

- ▶ Patent Prosecution Highway (PPH)
 - ▶ JPO
 - ▶ EPO
 - ▶ CNIPA
 - ▶ Asean Patent Examination Co-operation (ASPEC)
- 
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PATENT PROSECUTION HIGHWAY (PPH) PROCEDURE



ASEAN PATENT EXAMINATION CO-OPERATION (ASPEC)

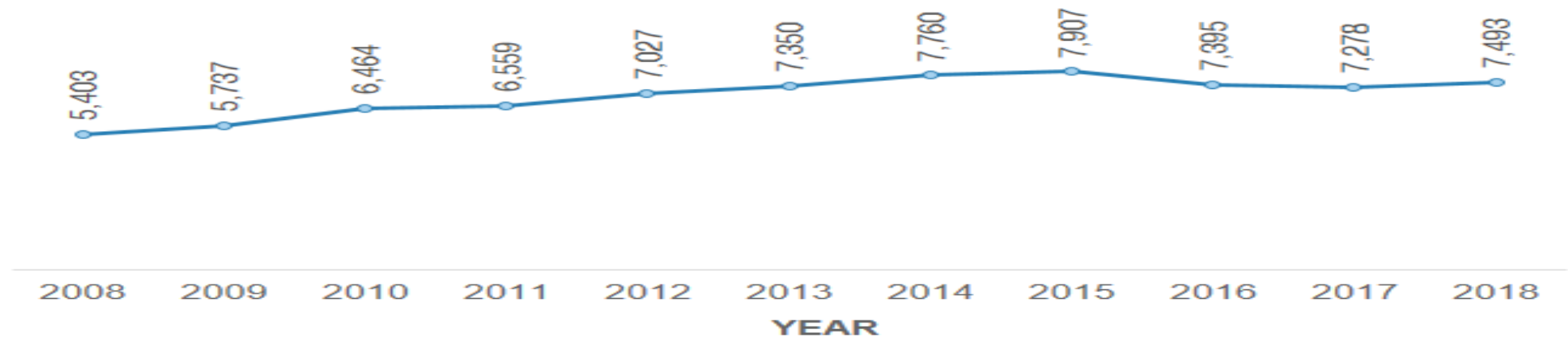
- ▶ The purpose of this program is to share search and examination results between the participating offices to allow applicants in participating countries to obtain corresponding patents faster and more efficiently; will potentially reduce duplication on the search and examination work done, thereby saving time and effort. Additionally, search and examination work done on a corresponding application
- ▶ serves as a useful reference in producing quality reports.



APPLICATION AND GRANTED PATENTS AND UTILITY INNOVATIONS FROM 2008 – 2019

YEARS	APPLICATION			GRANTED		
	Malaysia	Foreign	Total	Malaysia	Foreign	Total
2008	864	4,539	5,403	198	2,044	2,242
2009	1,234	4,503	5,737	270	3,198	3,468
2010	1,275	5,189	6,464	204	1,973	2,177
2011	1,136	5,423	6,559	335	2,057	2,392
2012	1,160	5,867	7,027	308	2,193	2,501
2013	1,269	6,081	7,350	305	2,386	2,691
2014	1,439	6,321	7,760	381	2,381	2,762
2015	1,375	6,532	7,907	360	2,548	2,908
2016	1,219	6,176	7,395	373	2,980	3,353
2017	1,300	5,978	7,278	474	4,653	5,127
2018	1,248	6,245	7,493	527	3,855	4,382
Jun-19	450	3,226	3,676	196	911	1,107

PATENT APPLICATIONS



17%

Local
1,248

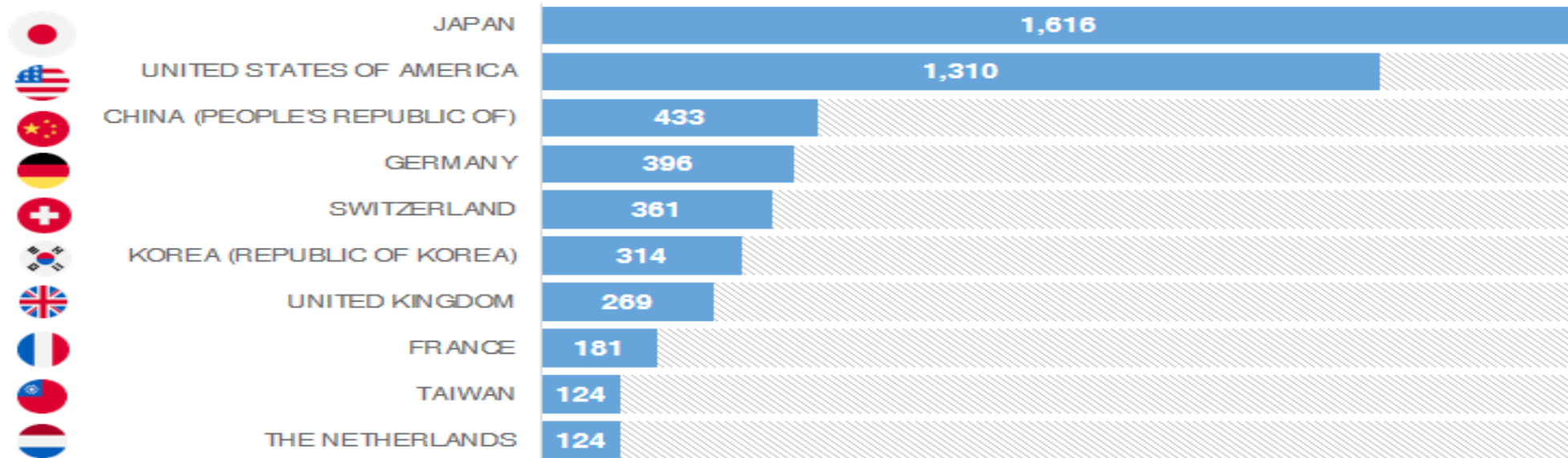
83%

Foreign
6,245

- Patent applications comprised 83% applications filed by foreign applicants and the remaining 17% by local.
- From 2008 to 2018, an average of 18% patent applications were filed by local applicants.

PATENT APPLICATION 2018

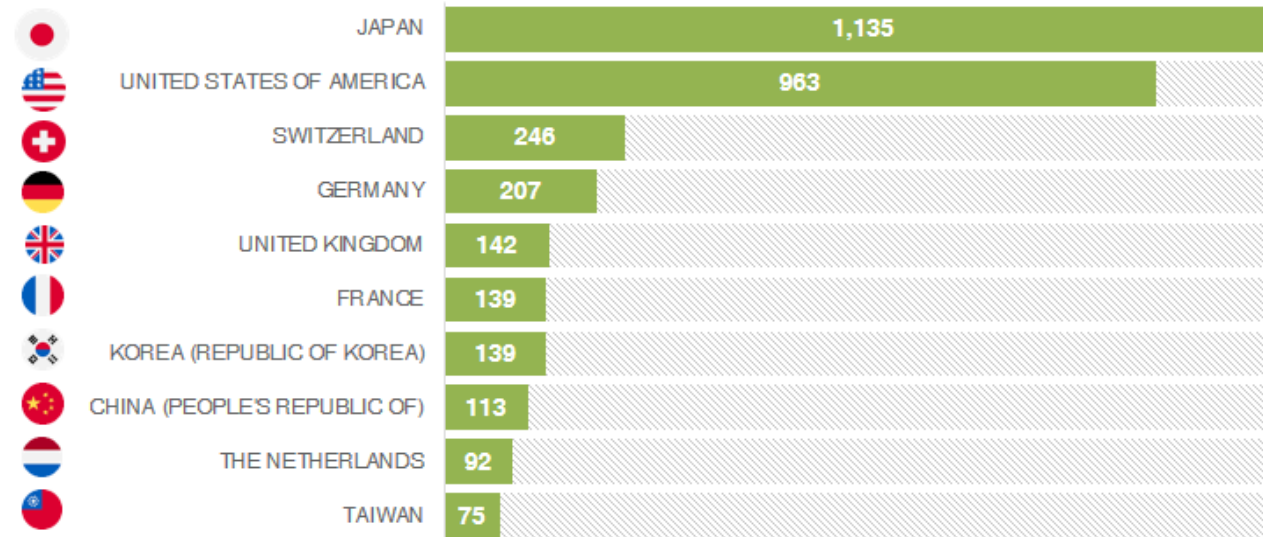
TOP TEN FOREIGN COUNTRIES



- Japan filed the largest number of patent applications with 1,616 applications, followed by United States of America (USA) with 1,310 applications.
- The top ten countries accounted for more than 68% of the patent applications in Malaysia.

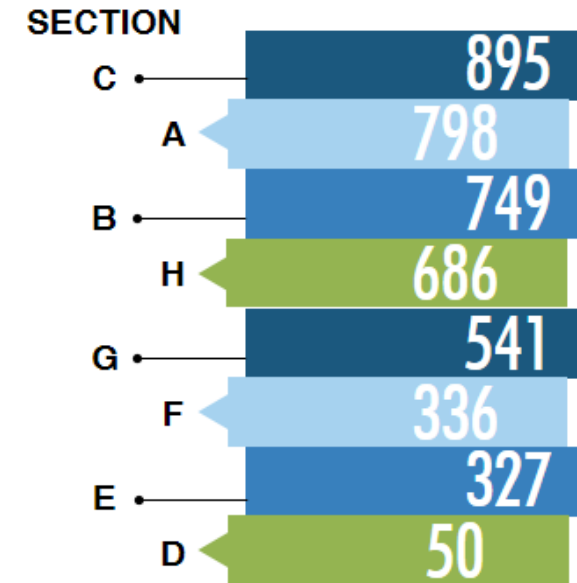
TOP TEN PATENT GRANTS 2018

FOREIGN COUNTRY



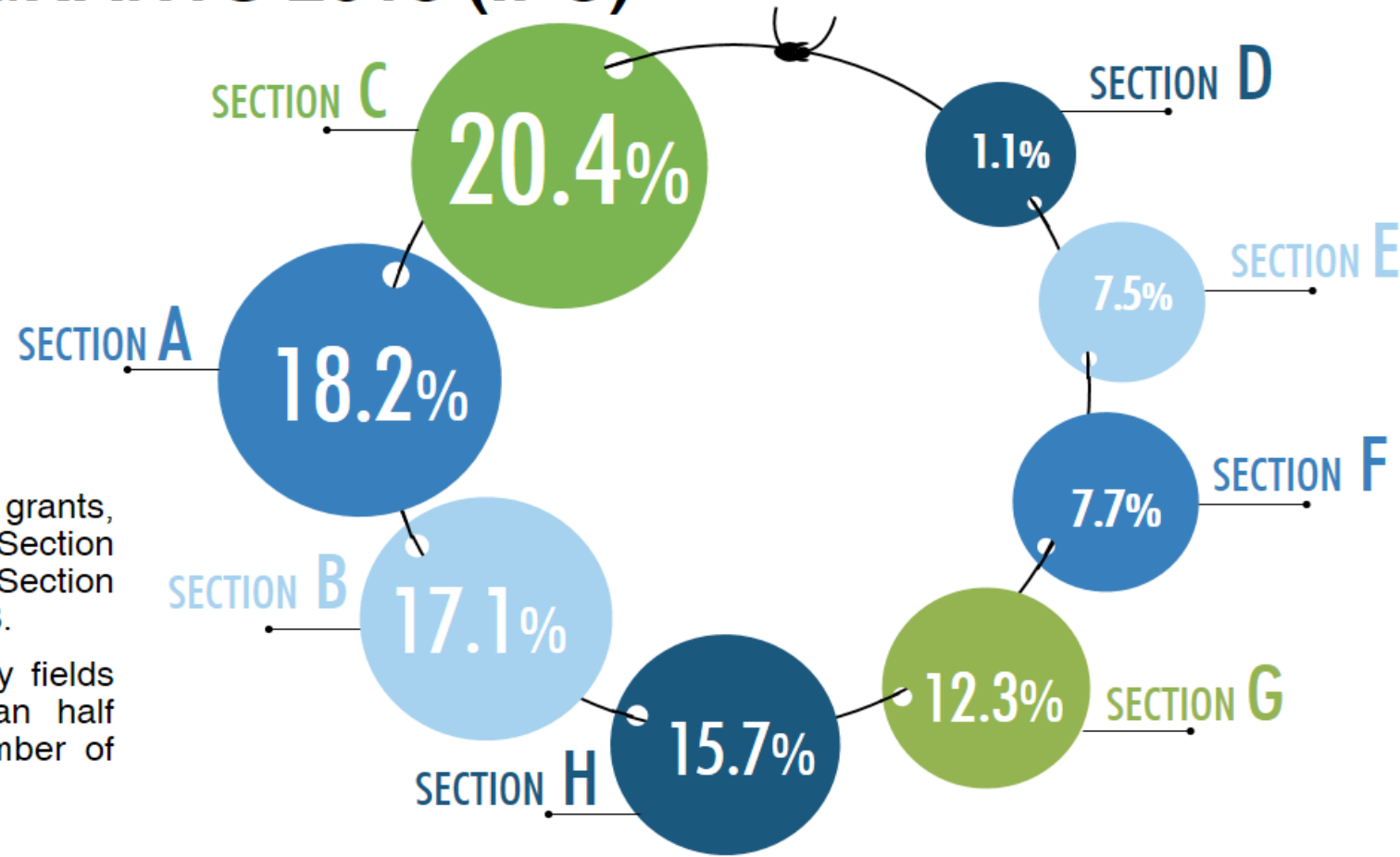
- USA and Japan accounted for most of the patent grants, with 1,135 and 963 grants, respectively.
- The top ten foreign countries shared 74.2% of the total granted patents.

INTERNATIONAL PATENT CLASSIFICATION (IPC)



- Out of eight sections according to IPC, Section C (Chemistry ; Metallurgy) remained as the highest patent grants with 895 grants.

PATENT GRANTS 2018 (IPC)



- Out of 4,382 patent grants, 20.4% were patents in Section C, followed by 18.2% in Section A and 17.1% in Section B.
- The top three technology fields accounted for more than half (55.7%) of the total number of patent grants.

THANK YOU



Intellectual Property Corporation of Malaysia
(MyIPO)

Menara UOA Bangsar
No. 5, Jalan Bangsar Utama
59000 Kuala Lumpur

☎ : +603-22998400

✉ : ipmalaysia@myipo.gov.my

➡ <http://www.myipo.gov.my>