

Expedited Examination Programs of IP Offices

Malaysia

Request for Accelerated Examination

Accelerated Examination allows an applicant to request accelerated examination for a patent application after a request for substantive examination has been filed and the application has become available for public inspection. This mechanism is designed to expedite the patent examination process and enable applicants to obtain patent protection more quickly.

How to Apply

To obtain accelerated examination, the applicant must submit Form 5H (Request for Approval of Accelerated Patent Examination) together with the prescribed fee and a statutory declaration explaining the reasons for requesting acceleration. The application may be submitted electronically through the IP Online system or manually. For manual filings, a green-paper cover letter is required to facilitate processing. Upon approval, the applicant must file Form 5I (Request for Accelerated Examination Application) and pay the required fee within five working days.

Conditions Acceptable to the Registrar for Approving a Request for Accelerated Examination

Under Regulation 27E of the Malaysian patent framework, accelerated examination may be granted where the invention serves the national or public interest, is involved in actual or potential infringement proceedings, has been or is intended to be commercialized within two years, is required for obtaining government financial support, relates to environmentally beneficial green technology, or where other reasonable grounds justify expedited treatment.¹

Filing Costs

Applicants seeking accelerated examination must pay both the ordinary patent examination fees and the additional acceleration fees. The accelerated examination process requires payment for Form 5H and Form 5I in addition to the standard filing and substantive examination fees. A request for substantive examination must first be filed together with the prescribed substantive examination fee before an applicant can seek accelerated examination.

The fee structure includes RM250 for Form 5H and RM2,800 for Form 5I, in addition to the normal patent filing and substantive examination fees. Consequently, the total cost of obtaining accelerated examination is RM4,440 for a patent application and RM4,290 for a utility innovation application. Additional handling fees may apply where documents are filed manually.

Processing Time for the Application

Once Form 5I is filed and the prescribed fee is paid, substantive examination commences within four weeks. Where no objections are raised and the application complies with all statutory requirements, a patent may be granted within approximately four months and three weeks from the filing date of the request for accelerated examination. Applicants are given only one opportunity to respond to any adverse examination report, reflecting the streamlined nature of the expedited examination process.

¹ Regulation 27E, Patents Regulations made under the Patents Act 1983 (Malaysia). The above summary is based on a machine generated English translation of Regulation 27E, Patents Regulations made under the Patents Act 1983 (Malaysia).