Malaysia:
Current Status and Future Perspectives
on Global IP Protection Systems

Faridah Kasmadi
Mohd Amran Abas

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Outline of Presentation

- Corporate Profile
- Patent – PCT
- The Road to Madrid
Corporate Profile
Organizational structure
Our Organization

Vision
“To be one of the leading IP organizations”

Mission
“Provides effective legal infrastructure and administration regime to enhance greater creativity, protect innovation and realize the value of intellectual property”

Motto
“Protecting Innovation – Advancing Competitiveness”
Functions

- Administer and enforce IP Legislations
- Administer, collect and enforce payment of prescribed fees / charges
- Regulate / supervise IP issues
- Review / update IP Legislations
- Organize training and disseminate info on IP
Functions

- Promote cooperation program at national and international level
- Safeguard Malaysia’s interest in respect of any agreement or international convention to which Malaysia is a party
- Advise the Government on IP matters
- Conduct research and studies on IP issues
International Treaties Acceded

- WIPO Convention (Jan 1989)
- Paris Convention (Jan 1989)
- Berne Convention (Oct 1990)
- TRIPS Agreement (Jan 1995)
- NICE Agreement (Sept 2007)
- Vienna Agreement (Sept 2007)
PATENT & PCT
### Patent Application: 2005-2010 (Sept)

<table>
<thead>
<tr>
<th>Year</th>
<th>Local</th>
<th>Foreign</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>2005</td>
<td>517</td>
<td>5,768</td>
<td>6,285</td>
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<tr>
<td>2006</td>
<td>524</td>
<td>4,275</td>
<td>4,799</td>
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<td>2007</td>
<td>665</td>
<td>1,707</td>
<td>2,372</td>
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<td>2008</td>
<td>850</td>
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<td>2009</td>
<td>1,241</td>
<td>4,496</td>
<td>5,737</td>
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<td>2010 (Sep)</td>
<td>782</td>
<td>3,891</td>
<td>4,673</td>
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- Foreign applications outnumbered locals
- Local applications increased
### Patent Grant: 2005-2010 (sept)

- **Local owners** remain small

#### Table:

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<tr>
<th>Year</th>
<th>2005</th>
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<th>2008</th>
<th>2009</th>
<th>2010 (sep)</th>
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<tr>
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<td>6,749</td>
<td>6,983</td>
<td>2,242</td>
<td>3,468</td>
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PCT Application (RO-MY): 2006-2010 (sept)

- Increase steadily

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<th>2009</th>
<th>2010 (sep)</th>
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<tr>
<td>Total</td>
<td>34</td>
<td>93</td>
<td>200</td>
<td>240</td>
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To reduce the ‘average pendency period’ of patent examination

<table>
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<th>ACTIVITY</th>
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<td>To reduce the ‘average pendency period’ of patent examination</td>
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</table>
On The Road to Madrid
• ASEAN Economic Community 2015

- Trade Mark System in Malaysia is now entering a period of change

- Malaysia will continue to develop active policies to propel international harmonization and a substantial shortening of the examination processing period
Madrid Protocol - Actions Taken

– Amendments to the Trade Marks Act
– Providing training to trade mark officers/staff - additional examiners and staff
– Working Group
– ICT - significant investments in improving and upgrading the infrastructure of Trade Marks Offices
– Public Consultation
Madrid Protocol - Issues

• The misunderstanding
• “International registration”
  - does it displace national registration
• What it actually mean
  - working mechanism similar to PCT
Madrid Protocol - Implications to MyIPO

- Office must be quick to react
- Time period is very crucial
  - Missing the date line means registration
- Heavy reliance on ICT
- Increase of revenue to the office
Accession to the Madrid Protocol will create greater awareness for foreign companies seeking registration of trade marks in Malaysia, and the local companies get the benefit to have registration of trade mark overseas.
Madrid Protocol
How soon can Malaysia join?
Future Direction:
1Malaysia – People First – Performance Now
Strategic Thrust

- Maintaining effective IPR regime
- Improving IP delivery system
- Raising IP awareness
- Advancing Malaysia’s IP interest through international cooperation
- Improving organizational efficiency
Our greatest challenge …

POLICY

- Revision of IP Acts
- FTA Negotiations (TRIPS Plus)
- IP Ethics
- New issues (TK, GR, TCE)
- New non-traditional marks (scent, sound, 3D)
- Novelty - Industrial Designs (National against world novelty)
- Copyright including ISP liability
- Pending International Treaties
Thank You

Intellectual Property Corporation of Malaysia

Thank You