INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA
AS
DESIGNATED (OR ELECTED) OFFICE

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

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List of abbreviations:
Office: Intellectual Property Corporation of Malaysia
PA: Patents Act, 1983 (Act 291)
PR: Patents Regulations, 1986
### Summary of requirements for entry into the national phase

**Time limits applicable for entry into the national phase:**
- Under PCT Article 22(1): 30 months from the priority date
- Under PCT Article 39(1)(a): 30 months from the priority date

**Translation of international application required into:**
- English

**Required contents of the translation for entry into the national phase:**
- Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19(3)), any text matter of drawings, abstract
- Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)

**Is a copy of the international application required?**
- Yes, a copy is required only if the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2) or 40(2).

**National fee:**

<table>
<thead>
<tr>
<th></th>
<th>Electronic Filing</th>
<th>Paper Filing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing fee:</td>
<td>MYR 260</td>
<td>MYR 290</td>
</tr>
<tr>
<td>Claim fee for each claim in excess of 10:</td>
<td>MYR 20</td>
<td>MYR 20</td>
</tr>
</tbody>
</table>

**Exemptions, reductions or refunds of the national fee:**
- None

**Special requirements of the Office (PCT Rule 51bis):**
- 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
- Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)
- 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

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1 Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
2 Where the applicant furnishes a translation of the international application only as amended or only as originally filed, the Office will invite the applicant to furnish the missing translation.
3 This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.
4 If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

(3 March 2011)
<table>
<thead>
<tr>
<th>Who can act as agent?</th>
<th>Any patent agent registered before the Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?</td>
<td>Yes, the Office applies the “unintentional” criterion to such requests</td>
</tr>
</tbody>
</table>
THE PROCEDURE IN THE NATIONAL PHASE

**MY.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex MY.II). This form should preferably be used.

**MY.02 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).

**MY.03 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex MY.I.

**MY.04 APPOINTMENT OF AGENT.** If the applicant is not resident in Malaysia, an agent shall be appointed by submitting to the Registrar a special form (see Annex MY.III), signed by the applicant. Any patent agent registered before the Office may act as agent.

**MY.05 INVENTOR.** If the applicant is not the inventor, the request must be accompanied by a statement naming the inventor and justifying the applicant’s right to the patent (see Annex MY.IV).

**MY.06 ANNUAL FEES.** Annual fees are payable for the second and each subsequent year following the date of grant of the patent. The fees must be paid twelve months before the date of expiration of the second and each succeeding year during the term of the patent. Payment of annual fees may still be made within six months from the due date, subject to the payment of a surcharge. The amounts of the annual fees are indicated in Annex MY.I.

**MY.07 REQUEST FOR EXAMINATION.** Requests for examination or modified examination must be made on special forms (see Annexes MY.V and MY.VI) provided by the Office, together with the payment of the prescribed fees within four years from the filing date of the international application. Requests for modified examination must be accompanied by a certified copy of the granted patent in English; patents in Japanese or Korean must be accompanied by a certified translation into English.

**MY.08 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, at any time before the patent is granted, make amendments to his application, with the payment of the prescribed fee, provided that the amendment does not go beyond the disclosure in the initial application.

**MY.09 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. Where an international application is considered withdrawn, the applicant may request reconsideration by the Office.

**MY.10 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

**MY.11 REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested where the applicant unintentionally failed to observe a time limit set by the Office, which is prejudicial to his rights. A request for reinstatement must be presented in writing within two months from the removal of the cause of the failure to observe the time limit or twelve months from the date of expiration of the applicable time limit, whichever time limit expires earlier. Within the said two months, the omitted action must be completed and the fee for reinstatement of rights (see Annex MY.I) must be paid.

**MY.12 CONVERSION.** The applicant may convert an application for a patent into an application for a certificate for a utility innovation by filing a request to that effect and paying the prescribed fee within six months from the date of the examination report. The converted application shall have the filing date of the initial application.
FEES

(Currency: Malaysian Ringgit (MYR))

<table>
<thead>
<tr>
<th>Patents</th>
<th>Electronic Filing</th>
<th>Paper Filing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filing fee</td>
<td>260</td>
<td>290</td>
</tr>
<tr>
<td>Claim fee for each claim in excess of 10</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Request for examination</td>
<td>950</td>
<td>1,100</td>
</tr>
<tr>
<td>Request for modified examination</td>
<td>600</td>
<td>640</td>
</tr>
<tr>
<td>Fee for amendment of the application</td>
<td>70</td>
<td>80</td>
</tr>
<tr>
<td>Reinstatement fee (per month of delay):</td>
<td>650</td>
<td>690</td>
</tr>
</tbody>
</table>

Annual fees:
- for the 2nd year: 260 290
- for the 3rd year: 330 360
- for the 4th year: 390 420
- for the 5th year: 460 490
- for the 6th year: 520 560
- for the 7th year: 600 640
- for the 8th year: 650 690
- for the 9th year: 720 760
- for the 10th year: 780 820
- for the 11th year: 850 890
- for the 12th year: 900 940
- for the 13th year: 1,050 1,100
- for the 14th year: 1,200 1,250
- for the 15th year: 1,300 1,350
- for the 16th year: 1,600 1,660
- for the 17th year: 1,850 1,900
- for the 18th year: 2,100 2,200
- for the 19th year: 2,400 2,500
- for the 20th year: 2,600 2,700

Surcharge for late payment of annual fee: 100% of fee for year concerned

Fee for restoration of the right of priority: None

Fee for conversion: 260 290

How can payment of fees be effected?

The payment of the fees has to be effected in Malaysian Ringgit. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

Payment may be effected to the Office by money order, cheque, bank draft or cash. Payments by bank transfer should be made to the following bank: Malayan Banking Berhad, Lot F1/26 and F1/27, 1st floor, Kompleks Dayabumi, Jalan Sultan Hishamuddin, 50050 Kuala Lumpur; account number: 564100004244, SWIFT code: MBBE MY KL.

(3 March 2011)
### PCT Applicant’s Guide – National Phase – National Chapter – MY

**Annex MY.II**

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**For Official Use**

**Fee for Entering The National Phase**

Regulations 25A

**To:** The Registrar of Patents

Patents Registration Office

Kuala Lumpur, Malaysia

Fee received on: ____________________________

Amount: ____________________________

*Cheque / Postal Order / Money Order / Draft / Cash*

No.: ____________________________

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Please submit this Form in duplicate together with the prescribed fee and/or reinstatement fee for international application

---

**I. APPLICANT(S):**

Name: ............................................................................................................................

Address: ..........................................................................................................................

...........................................................................................................................

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**II. THE APPLICANT(S) REQUEST(S) ENTRY INTO THE NATIONAL PHASE IN ACCORDANCE WITH:**

*SECTION 78O

*SECTION 78OA

INTERNATIONAL APPLICATION NO.: ____________________________

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**III. AGENT:**

Applicant has appointed a patent agent in the accompanying Patents Form No. 17

Yes [ ]

No [ ]

Agent’s Registration No.: ____________________________

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**SIGNATURE** ……………………………………………………………………………** (Applicant/Agent)** (Date)

If Agent, indicate Agent’s Registration No.: ____________________________

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For Official Use

Date application received: ____________________________

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* Tick whichever is applicable

** Type name under signature and delete whichever does not apply

(10 April 2008)
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<td>APPLICATION NO. :………………………………………….</td>
</tr>
<tr>
<td></td>
<td>Filing Date : …………………………………………….</td>
</tr>
<tr>
<td></td>
<td>Received on : …………………………………………….</td>
</tr>
</tbody>
</table>

**APPOINTMENT OR CHANGE OF PATENT AGENT (Regulations 45B (2) and 45(3))**

To: The Registrar of Patents
Patents Registration Office
Kuala Lumpur, Malaysia

Please submit one copy of this Form

Application’s or Agent’s file reference ……………………………

*I/ We the undersigned ,

Name : ………………………………………………………………………………….……………………..

Address : ………………………………………………………………….…………………………………..…
……………………………………………………………………………….…………………………

*appoint

Name : ……………………………………………………………………….………………………………...

Address : ………………………………………………………………………….………………………………

Telephone Number (if any)                                                    Fax Number (if any)
…………………………..                                       …………………..………

*to act as *my/our agent in connection with the following matter(s) :
………………………………………………………………………………………………………………..…..
…………………………………………………………………………………………………………..………..

*ratify all acts done by the agent on *my/our behalf in connection with that/those matter(s), and request that all notices, requisitions and communications relating thereto be sent to the agent at the abovementioned said address.

Any previous appointment in respect of the same matter(s) is revoked.

**SIGNATURE ……………………………………….….                 …………………………………

(Date)

* Delete whichever does not apply

** Type name under signature and delete whichever does not apply
**STATEMENT JUSTIFYING THE APPLICANT’S RIGHT TO A PATENT/CERTIFICATE**

(Regulation 10)

To: The Registrar of Patents

Patents Registration Office

Kuala Lumpur, Malaysia

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<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>APPLICATION NO. : ...........................................</td>
</tr>
<tr>
<td>Filing Date : ..............................................</td>
</tr>
<tr>
<td>Request received on : .......................................</td>
</tr>
</tbody>
</table>

Date of mailing ..............................................

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Please submit this Form in duplicate

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**APPLICATION NO. : ...........................................**
| Filing Date : .............................................. |

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**TITLE OF INVENTION : ..............................................**

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**APPLICANT :**

Name : .................................................................

Address : .................................................................

---

**Statement justifying the applicant’s right to a patent/certificate :**

---

**ADDITIONAL INFORMATION accompanying this Form :**

Yes [ ] No [ ]

---

**SIGNATURE ................................................................. .................................................................**

**(Applicant/Agent) (Date)**

If Agent, indicate Agent’s Registration No. .................................................................

---

* Delete whichever does not apply

** Type name under signature and delete whichever does not apply
# Request for Substantive Examination

**For Official Use**

**APPLICATION NO.** : .............................................

**Filing Date** : .............................................

**Request received on** : .............................................

**Fee received on** : .............................................

**Amount** : .............................................

*Cheque / Postal Order / Money Order / Draft / Cash No.* : .............................................

**Date of mailing** : .............................................

**Applicant’s or Agent’s file reference** : .............................................

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### I. IN THE MATTER OF:

**Patent Application No.** : .............................................

**Filing Date** : .............................................

**Certificate Application No.** : .............................................

**Filing Date** : .............................................

---

### II. APPLICANT (S):

**Name** : .............................................

**Address** : .............................................

---

### III. REQUEST:

The applicant(s) request(s) the Registrar to refer the patent application identified above to an Examiner for a substantive examination in accordance with Section 29A (1) of the Patent Act 1983.

---

### IV. ADDITIONAL INFORMATION accompanies this Form:

Yes ☐ No ☐

---

### V. SIGNATURE

**.........................................................................................**

**.........................................................................................**

**Type name under signature and delete whichever does not apply**

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* Delete whichever does not apply

** Type name under signature and delete whichever does not apply
**PCT Applicant’s Guide – National Phase – National Chapter – MY**

**Annex MY.VI**

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**REQUEST FOR MODIFIED SUBSTANTIVE EXAMINATION**

(Regulations 27A(1) and 45(3))

**To:** The Registrar of Patents

Patents Registration Office

Kuala Lumpur, Malaysia

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**APPLICATION NO. :** ……………………………………..

**Filing Date :** ……………………………………………

**Request received on :** ………………………………..

**Fee received on :** ………………………………………

**Amount :** ……………………………………………

*Cheque / Postal Order / Money Order / Draft / Cash

**No. :** ……………………………………………

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**Date of mailing :** ………………………………………

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**Applicant’s or Agent’s file reference**

………………………………………………………………

---

**I. IN THE MATTER OF :**

Patent Application No. : ……..……..………....

Certificate Application No. :  …………………..

**Filing Date :** ………………………………………

---

**II. APPLICANT(S) :**

**Name :** ………………………………………………………………………………….……………………..

**Address :** …………………………………………………………………….…………………………………..…

…………………………………………………………………………….…………………………

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**III. REQUEST :**

The applicant(s) request(s) the Registrar to refer the patent application identified above to an Examiner for a modified substantive examination in accordance with Section 29A (1) of the Patent Act 1983.

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**IV. PRESCRIBED FOREIGN PATENT :**

I provide herewith a certified copy of the specification of Patent No. : …………… …………… …………… ….

in granted in ………………….. on ………………….. …………..

Copy of granted patent from : * UK/US/EP/Australia

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**V. AMENDMENTS :**

Amendments in accordance with regulation 27A (3)(b) accompany this Form :

Yes [ ] No [ ]

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**VI. SIGNATURE** ……………………………………..

…………………………………………………………

**(Applicant/Agent) (Date)**

If Agent, indicate Agent’s Registration No. …………………………………………………………………

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* Delete whichever does not apply

** Type name under signature and delete whichever does not apply