

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

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List of abbreviations:

Office: Intellectual Property Corporation of Malaysia

PA: Patents Act, 1983 (Act 291)

PR: Patents Regulations, 1986

SUMMARY**Designated
(or elected) Office****SUMMARY****MY INTELLECTUAL PROPERTY CORPORATION MY
OF MALAYSIA****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: ¹	English									
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19 ²), 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 ²)									
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:	Currency: Malaysian ringgit (MYR)									
	<table border="1"> <thead> <tr> <th></th> <th>Electronic Filing</th> <th>Paper Filing</th> </tr> </thead> <tbody> <tr> <td>Filing fee:¹</td> <td>MYR 260</td> <td>290</td> </tr> <tr> <td>Claim fee for each claim in excess of 10:</td> <td>MYR 20</td> <td>20</td> </tr> </tbody> </table>		Electronic Filing	Paper Filing	Filing fee: ¹	MYR 260	290	Claim fee for each claim in excess of 10:	MYR 20	20
	Electronic Filing	Paper Filing								
Filing fee: ¹	MYR 260	290								
Claim fee for each claim in excess of 10:	MYR 20	20								
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 ^{3,4} Statement justifying the applicant's right to the patent where the applicant is not the inventor ^{3,4} Evidence of entitlement to claim priority where the applicant is not the applicant who filed the earlier application ^{3,4} 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) ⁴ 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									

[Continued on next page]

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.

SUMMARY**Designated
(or elected) Office****SUMMARY****MY INTELLECTUAL PROPERTY CORPORATION MY
OF MALAYSIA***[Continued]*

Who can act as agent?

Any patent agent registered before the Office

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49ter.2)?Yes, the Office applies the “unintentional” criterion to such requests

THE PROCEDURE IN THE NATIONAL PHASE

- PR 25A **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.
- PA 86(5)
PR 45B(2) **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.
- PR 10(2) **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)
- PA 35(2)
PR 33 **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.
- PA 29A
PR 27 to 27D **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.
- PCT Art. 28
41
PA 26A
PR 46 **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.
- PCT Art. 25
PCT Rule 51 **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.
- PCT Art. 24(2)
48(2)
PCT Rule 49.6
82bis **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.
- PA 17B
PR 33C **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))****Patents**

	Electronic Filing	Paper Filing
Filing fee	260	290
Claim fee for each claim in excess of 10	20	20
Request for examination	950	1,100
Request for modified examination	600	640
Fee for amendment of the application	70	80
Reinstatement fee (per month of delay):	650	690
Annual fees:		
— for the 2 nd year	260	290
— for the 3 rd year	330	360
— for the 4 th year	390	420
— for the 5 th year	460	490
— for the 6 th year	520	560
— for the 7 th year	600	640
— for the 8 th year	650	690
— for the 9 th year	720	760
— for the 10 th year	780	820
— for the 11 th year	850	890
— for the 12 th year	900	940
— for the 13 th year	1,050	1,100
— for the 14 th year	1,200	1,250
— for the 15 th year	1,300	1,350
— for the 16 th year	1,600	1,660
— for the 17 th year	1,850	1,900
— for the 18 th year	2,100	2,200
— for the 19 th year	2,400	2,500
— for the 20 th 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: MBBEMYKL.

Patents Form No. 2A PATENTS ACT 1983 FEE FOR ENTERING THE NATIONAL PHASE (Regulations 25A) To : The Registrar of Patents Patents Registration Office Kuala Lumpur, Malaysia	For Official Use Fee received on : Amount : *Cheque / Postal Order / Money Order / Draft / Cash No. :
Please submit this Form in duplicate together with the prescribed fee and/or reinstatement fee for international application	Applicant's or Agent's file reference
I. APPLICANT (S) : Name : Address :	
II. THE APPLICANT(S) REQUEST(S) ENTRY INTO THE NATIONAL PHASE IN ACCORDANCE WITH : <div style="text-align: center;"> *SECTION 780 <input type="checkbox"/> </div> <div style="text-align: center;"> *SECTION 780A <input type="checkbox"/> </div> INTERNATIONAL APPLICATION NO. :	
III. AGENT : Applicant has appointed a patent agent in the accompanying Patents Form No. 17 <div style="text-align: right;"> Yes <input type="checkbox"/> </div> <div style="text-align: right;"> No <input type="checkbox"/> </div> Agent's Registration No.:	
SIGNATURE <div style="text-align: center;"> ** (Applicant/Agent) (Date) </div> If Agent, indicate Agent's Registration No.	
For Official Use Date application received :	

* Tick whichever is applicable
 ** Type name under signature and delete whichever does not apply

Patents Form No. 17 PATENTS ACT 1983 APPOINTMENT OR CHANGE OF PATENT AGENT (Regulations 45B (2) and 45(3)) To : The Registrar of Patents Patents Registration Office Kuala Lumpur, Malaysia	For Official Use APPLICATION NO. : Filing Date : Received on : Date of Mailing				
Please submit one copy of this Form	Applicant's or Agent's file reference				
<p>*I/ We the undersigned ,</p> <p>Name :</p> <p>Address :</p> <p>.....</p> <p>appoint</p> <p>Name :</p> <p>Address :</p> <p>.....</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 50%;">Telephone Number (if any)</td> <td style="text-align: center; width: 50%;">Fax Number (if any)</td> </tr> <tr> <td style="text-align: center;">.....</td> <td style="text-align: center;">.....</td> </tr> </table> <p>to act as *my/our agent in connection with the following matter(s) :</p> <p>.....</p> <p>.....</p> <p>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.</p> <p>Any previous appointment in respect of the same matter(s) is revoked.</p> <p>**SIGNATURE (Date)</p>		Telephone Number (if any)	Fax Number (if any)
Telephone Number (if any)	Fax Number (if any)				
.....				

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

Patents Form No. 22 PATENTS ACT 1983 STATEMENT JUSTIFYING THE APPLICANT'S RIGHT TO A PATENT/CERTIFICATE (Regulation 10) To : The Registrar of Patents Patents Registration Office Kuala Lumpur, Malaysia	For Official Use APPLICATION NO. : Filing Date : Request received on : Date of mailing
Please submit this Form in duplicate	Applicant's or Agent's file reference
I. IN THE MATTER OF : Patent Application No. : Filing Date : Certificate Application No. : Filing Date :	
II. TITLE OF INVENTION :	
III. APPLICANT : Name : Address :	
IV. I/we believe that the inventor(s)/innovator(s) of the above mentioned application is as follows :	
V. Statement justifying the applicant's right to a patent/certificate :	
VI. ADDITIONAL INFORMATION accompanying this Form : <div style="text-align: center;"> Yes <input type="checkbox"/> No <input type="checkbox"/> </div>	
VII. SIGNATURE (Date) <div style="text-align: center;"> ** (Applicant/Agent) </div> If Agent, indicate Agent's Registration No.	

* Delete whichever does not apply

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

<p>Patents Form No. 5 PATENTS ACT 1983</p> <p>REQUEST FOR SUBSTANTIVE EXAMINATION (Regulations 27(1) and 45(3))</p> <p>To : The Registrar of Patents Patents Registration Office Kuala Lumpur, Malaysia</p> <p>Please submit this Form in duplicate together with prescribed fee</p>	<p style="text-align: center;">For Official Use</p> <p>APPLICATION NO. :</p> <p>Filing Date :</p> <p>Request received on :</p> <p>Fee received on :</p> <p>Amount :</p> <p>*Cheque / Postal Order / Money Order / Draft / Cash No. :</p> <hr/> <p>Date of mailing</p> <p>Applicant's or Agent's file reference</p>
<p>I. IN THE MATTER OF :</p> <p>Patent Application No. : Filing Date :</p> <p>Certificate Application No. : Filing Date :</p>	
<p>II. APPLICANT (S) :</p> <p>Name :</p> <p>Address :</p> <p>.....</p>	
<p>III. REQUEST :</p> <p>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.</p>	
<p>IV. ADDITIONAL INFORMATION accompanies this Form :</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>V. SIGNATURE (Date)</p> <p style="text-align: center;">** (Applicant/Agent)</p> <p>If Agent, indicate Agent's Registration No.</p>	

* Delete whichever does not apply

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

<p>Patents Form No. 5A PATENTS ACT 1983</p> <p>REQUEST FOR MODIFIED SUBSTANTIVE EXAMINATION (Regulations 27A(1) and 45(3))</p> <p>To: The Registrar of Patents Patents Registration Office Kuala Lumpur, Malaysia</p> <p>Please submit this Form in duplicate together with prescribed fee</p>	<p style="text-align: center;">For Official Use</p> <p>APPLICATION NO. :</p> <p>Filing Date :</p> <p>Request received on :</p> <p>Fee received on :</p> <p>Amount :</p> <p>*Cheque / Postal Order / Money Order / Draft / Cash No. :</p> <hr/> <p>Date of mailing</p> <p>Applicant's or Agent's file reference</p>
<p>I. IN THE MATTER OF :</p> <p>Patent Application No. : Filing Date :</p> <p>Certificate Application No. : Filing Date :</p>	
<p>II. APPLICANT (S) :</p> <p>Name :</p> <p>Address :</p> <p>.....</p>	
<p>III. REQUEST :</p> <p>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.</p>	
<p>IV. PRESCRIBED FOREIGN PATENT :</p> <p>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</p>	
<p>V. AMENDMENTS :</p> <p>Amendments in accordance with regulation 27A (3)(b) accompany this Form :</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>VI. SIGNATURE (Date)</p> <p style="text-align: center;">** (Applicant/Agent)</p> <p>If Agent, indicate Agent's Registration No.</p>	

* Delete whichever does not apply

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