



INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA

# **MALAYSIAN PATENT SYSTEM**

**SEMINAR ON OBTAINING PATENT PROTECTION IN  
MALAYSIA AND EUROPE**

**October 2019 , Kuala Lumpur**

**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 AND CONSUMER  
AFFAIRS

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

# 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

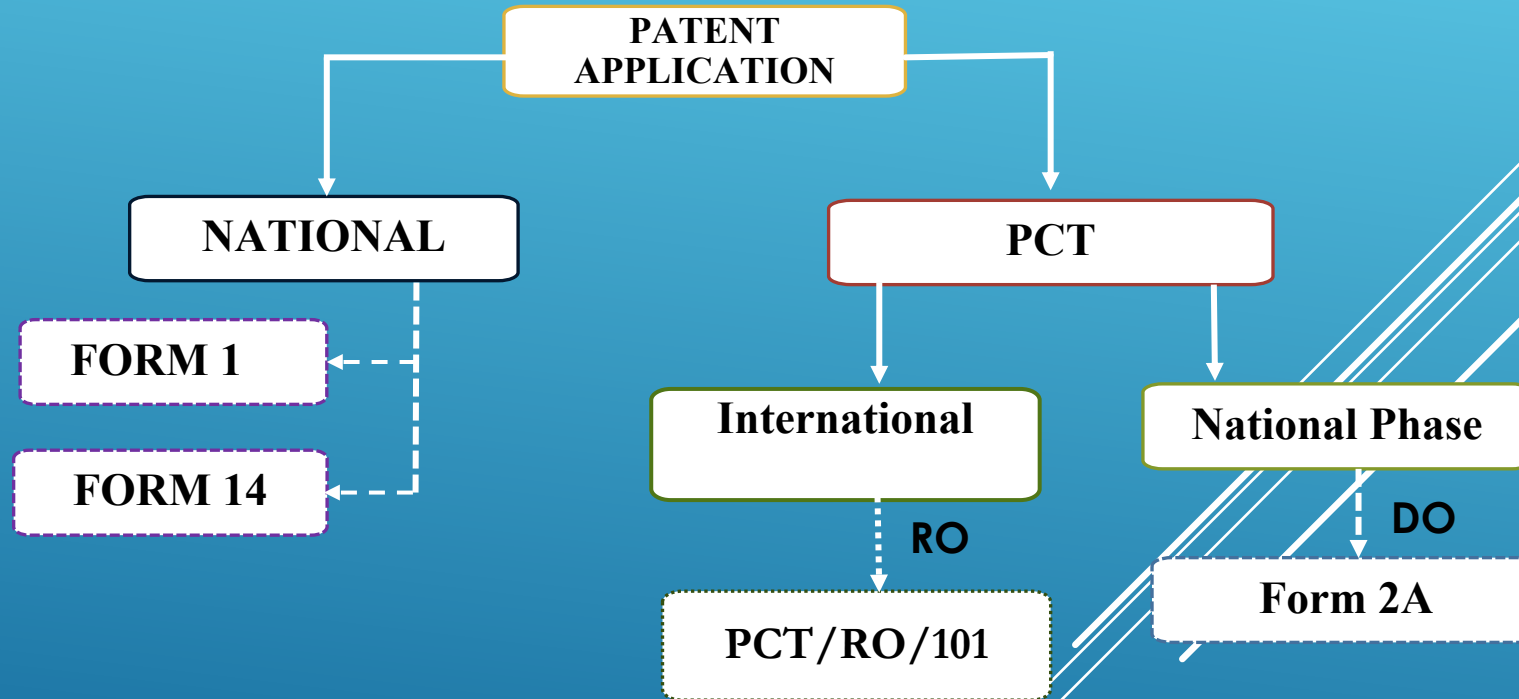
## PATENT AGENT (S86)



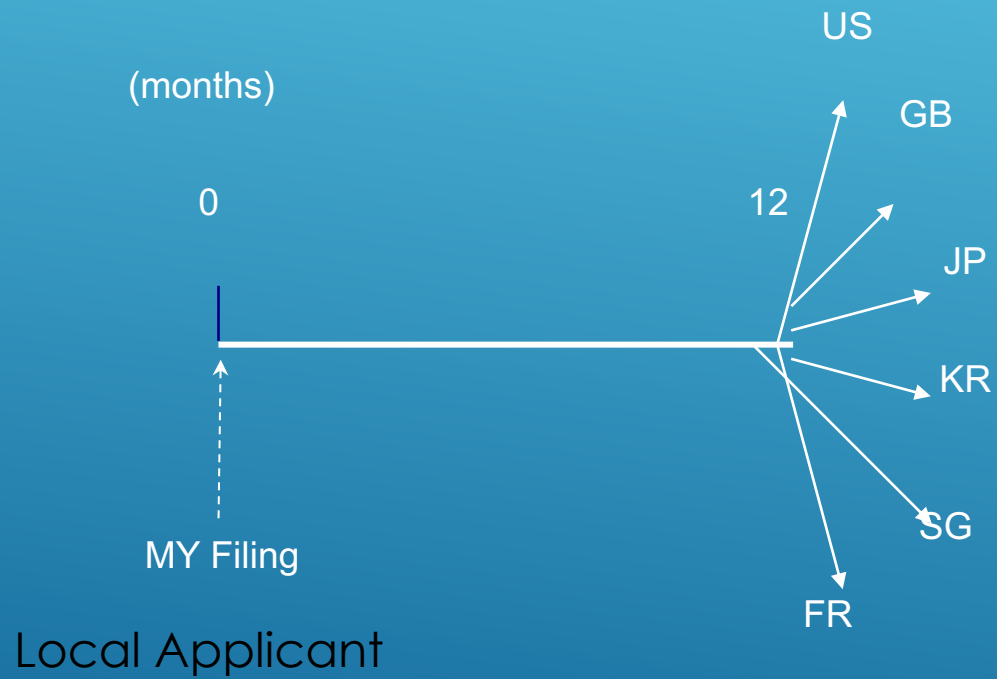
- No person shall carry on business, practise, act, describe himself or permit himself to be described as a patent agent unless he is registered in the **Register of Patents Agents**.
- A person who has neither his domicile nor residence in Malaysia may not proceed before the Registration Office in respect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



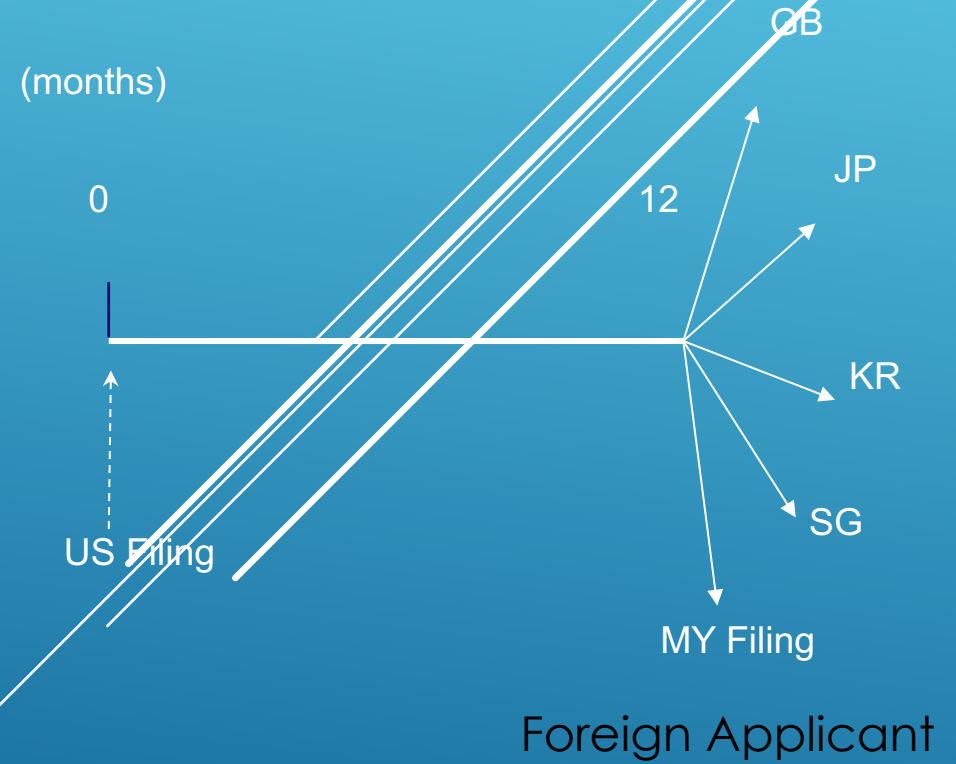
# PATENT APPLICATION

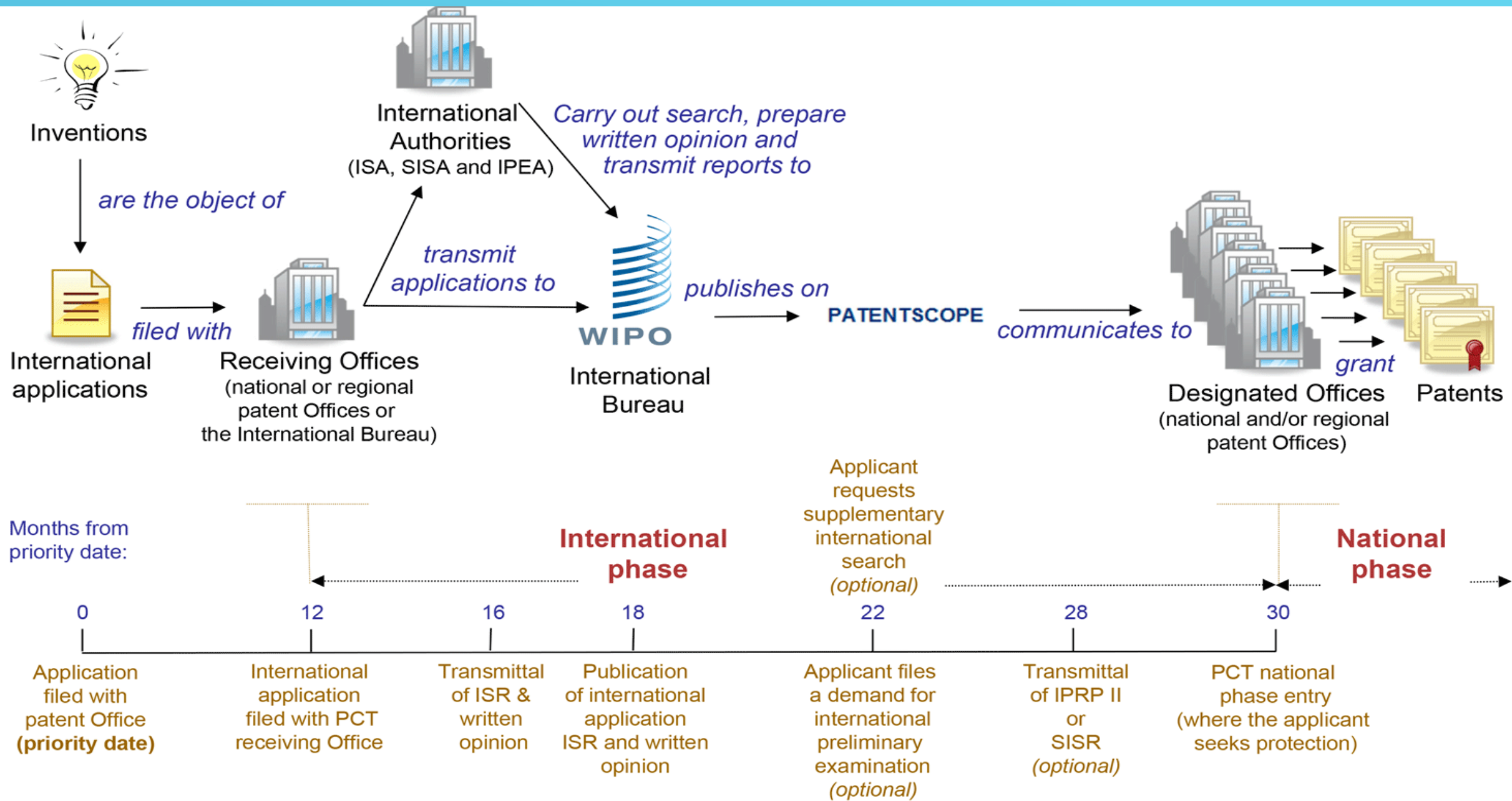


# PATENT APPLICATION USING NATIONAL PATENT SYSTEM



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

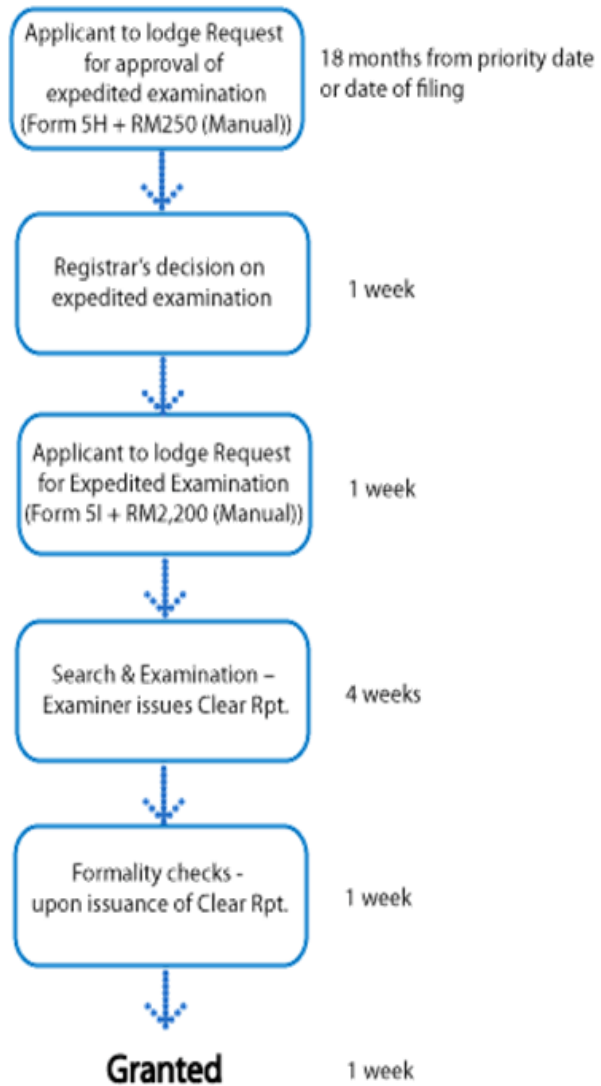
Certified true copy of the patent granted  
of prescribe countries :

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.



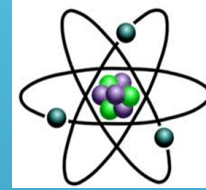
# REQUEST FOR EXPEDITED EXAMINATION

# ASSESSING PATENTABILITY

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

# 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 such 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 :

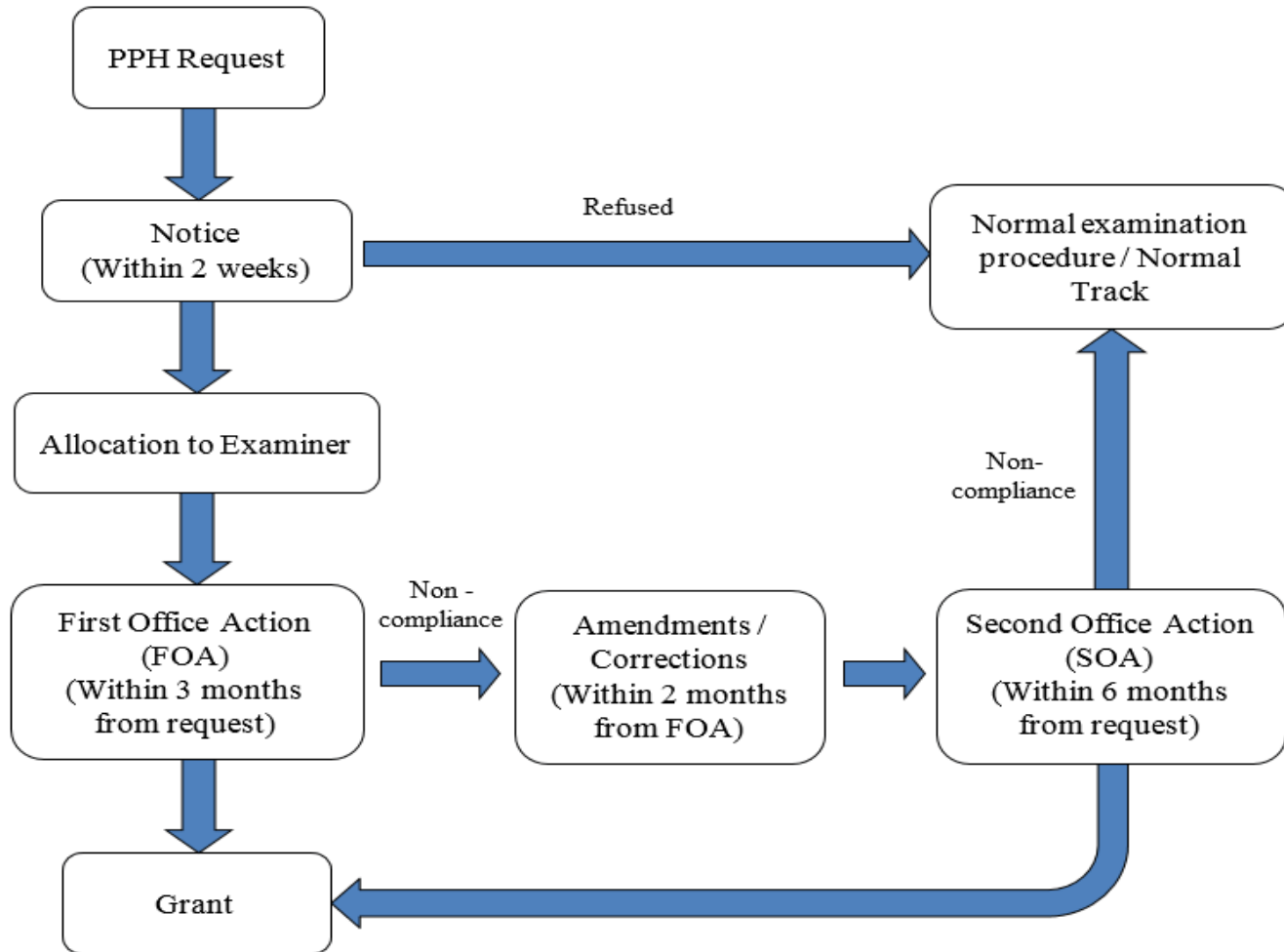
provided that this shall not apply to products used in any such methods.



## OTHER INITIATIVES

- ▶ Patent Prosecution Highway (PPH)
  - ▶ JPO
  - ▶ EPO
  - ▶ CNIPA
  - ▶ Asean Patent Examination Co-operation (ASPEC)
- 
- A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner of the slide, creating a modern, abstract graphic element.

# PATENT PROSECUTION HIGHWAY (PPH) PROCEDURE





# ASEAN PATENT EXAMINATION CO-OPERATION (ASPEC)

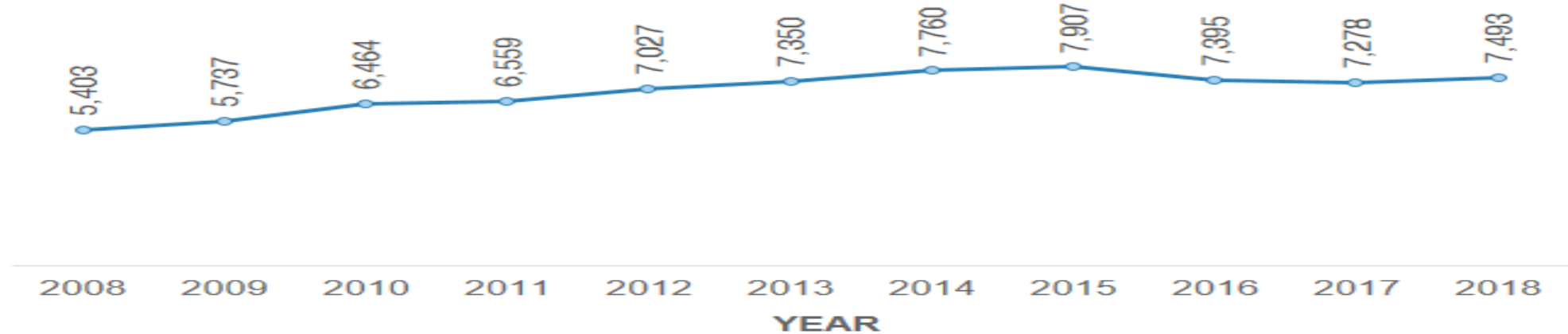
- ▶ The purpose of this program is to share search and examination results between the participating offices to allow applicants in participating countries to obtain corresponding patents faster and more efficiently; will potentially reduce duplication on the search and examination work done, thereby 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
<b>2008</b>	864	4,539	5,403	198	2,044	2,242
<b>2009</b>	1,234	4,503	5,737	270	3,198	3,468
<b>2010</b>	1,275	5,189	6,464	204	1,973	2,177
<b>2011</b>	1,136	5,423	6,559	335	2,057	2,392
<b>2012</b>	1,160	5,867	7,027	308	2,193	2,501
<b>2013</b>	1,269	6,081	7,350	305	2,386	2,691
<b>2014</b>	1,439	6,321	7,760	381	2,381	2,762
<b>2015</b>	1,375	6,532	7,907	360	2,548	2,908
<b>2016</b>	1,219	6,176	7,395	373	2,980	3,353
<b>2017</b>	1,300	5,978	7,278	474	4,653	5,127
<b>2018</b>	1,248	6,245	7,493	527	3,855	4,382
<b>Jun-19</b>	450	3,226	3,676	196	911	1,107

# PATENT APPLICATIONS



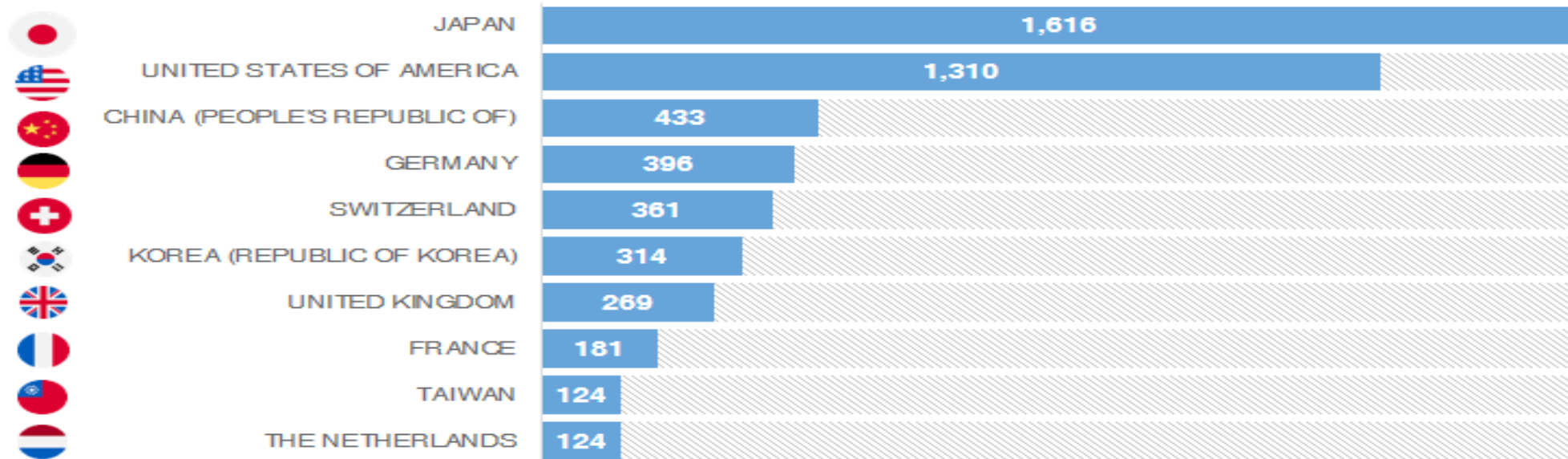
**17%**  
Local  
1,248

**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

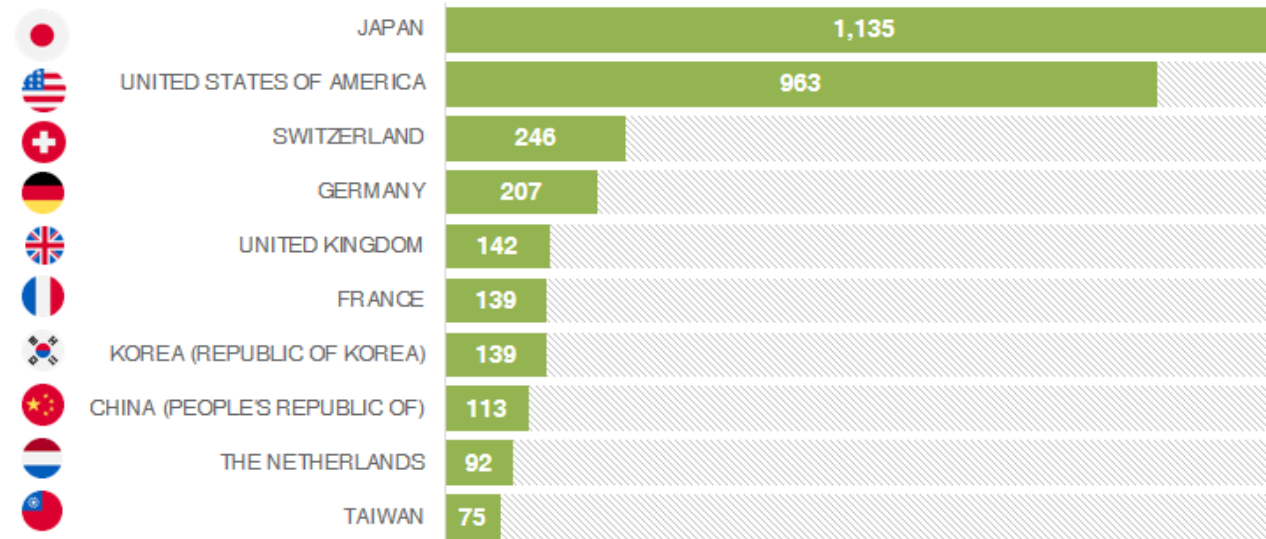
## TOP TEN FOREIGN COUNTRIES



- 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.

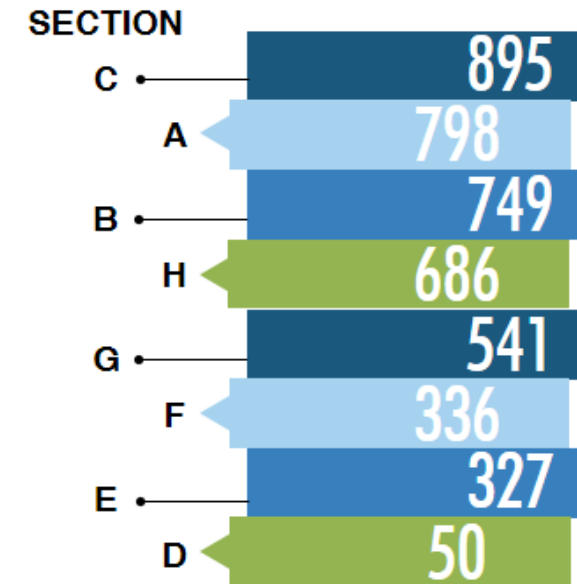
# TOP TEN PATENT GRANTS 2018

## 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.

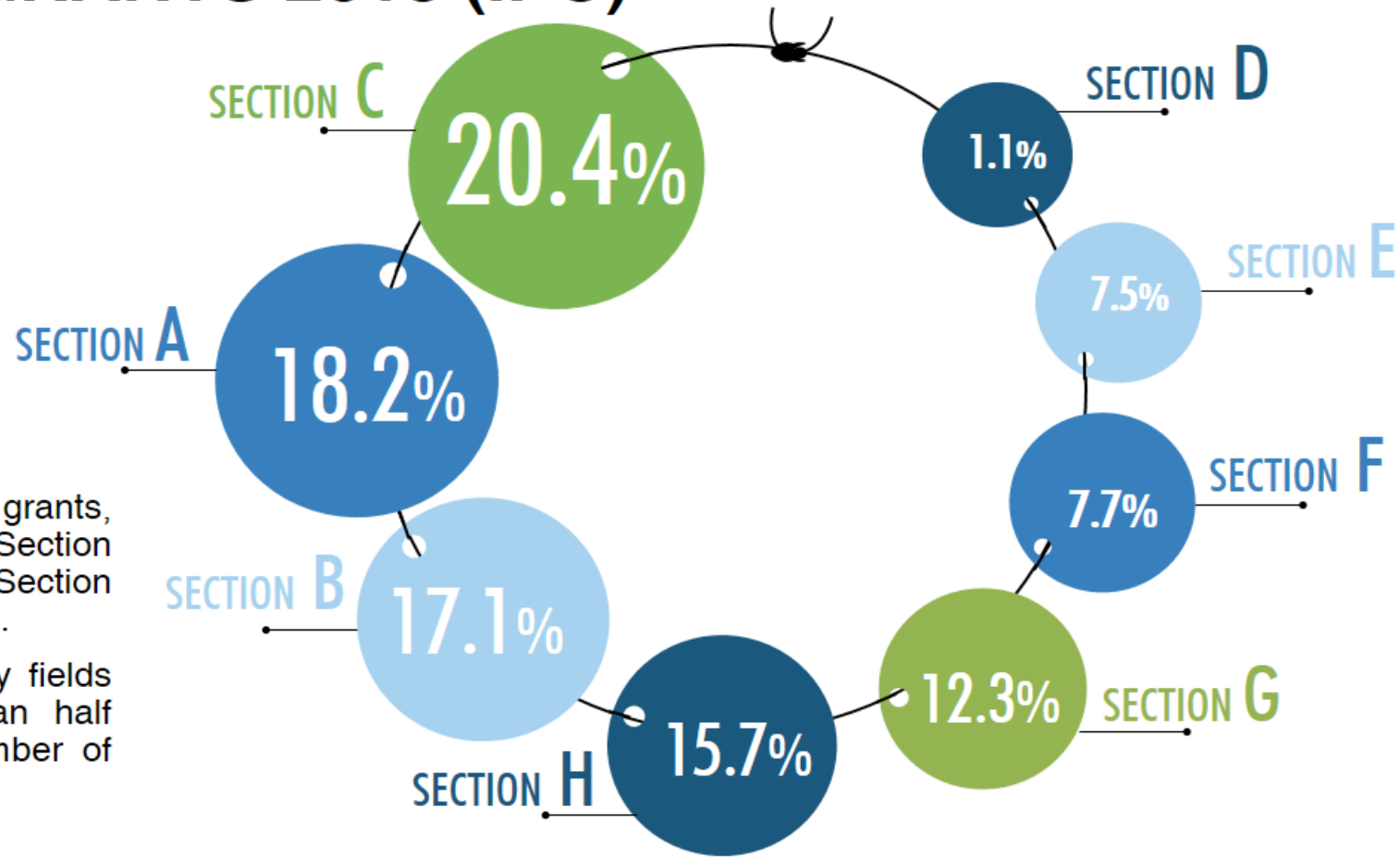
## INTERNATIONAL PATENT CLASSIFICATION (IPC)



- 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](mailto:ipmalaysia@myipo.gov.my)

➡ <http://www.myipo.gov.my>