



TRADEMARK, ESSENTIAL GUIDE FOR SAFE GUARDING YOUR BRAND AND CREATIVITY

- Register Vehicles -



- Register Company -



- Register Intellectual Property Rights -



FUNCTION



Administer Intellectual Property Law and monitor its implementation.



Boosting and increase training and information dissemination.



Giving opinion in any issue related intellectual property.



Providing management service, collect and enforce fee payment or any incidental charge.



Establishing cooperation relationships internally and outside the country and as subject matter expert.



Undertake research and studies related intellectual property.



Reviewing and update intellectual property law according to need and current development.



Ensuring country's interest in any agreement or related international convention intellectual property which Malaysia become the member is protected.



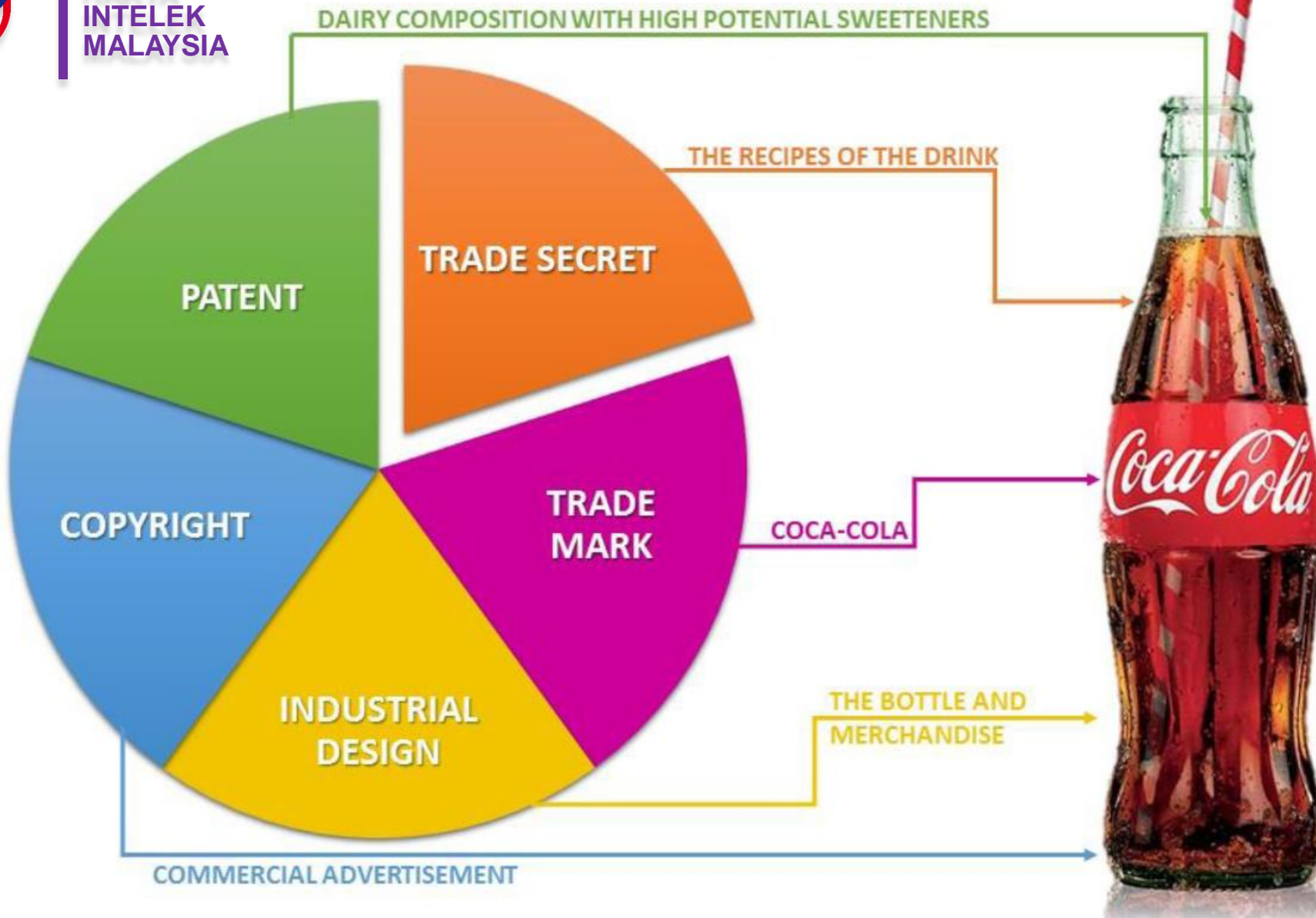
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INTELEK
MALAYSIA



the term "intellectual property" is reserved for types of property that results from "*creations of the human mind*".



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Creative Creations of the Human Mind



TRADEMARK



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PATENT

**Technical solutions related to
bottle caps**

COPYRIGHT

'artwork'

TRADEMARK

"Nescafe"

INDUSTRIAL DESIGN

Bottle Design and Bottle Cap





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DEFINITION

What is a trade mark?

The term 'mark' has been changed to '**sign**'

•The definition of 'sign' is widened to include any letter, word, name, signature, numeral, device, brand, heading, label, ticket, shape of goods or their packaging, colour, sound, scent, hologram, positioning, sequence of motion or any combination thereof.



What is the actual function of a Trademark?



“A **sign** capable of distinguishing the goods or services produced or provided by one enterprise from those of other enterprises”

Types of Trademarks in Malaysia

Exploring Various Trademark Types in Malaysia



Non Traditional Marks

Shape of goods or their packaging, colour, sound, scent, hologram, positioning, sequence of motion or any combination thereof.

Certification Marks

Indicate compliance with defined standards, characteristics, or quality.

Word Marks

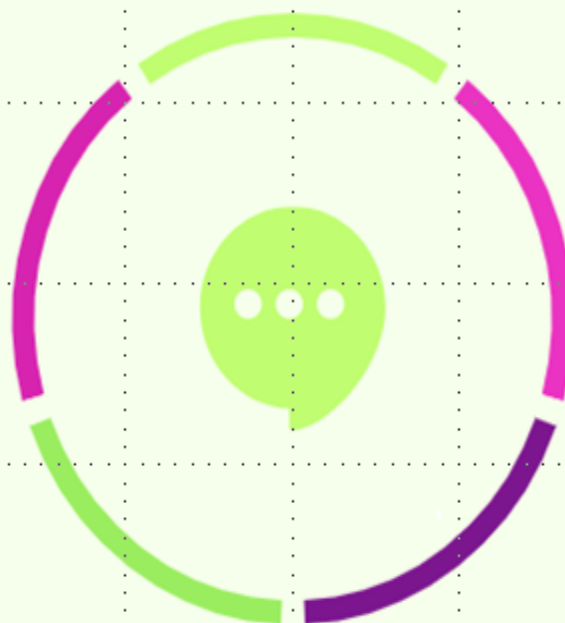
Consist of words, letters, or numerals used to distinguish goods or services.

Collective Marks

Identify goods or services originating from members of an association.

Device Marks

Include logos, symbols, or designs that are visually distinctive.





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EXAMPLE



COMBINATION



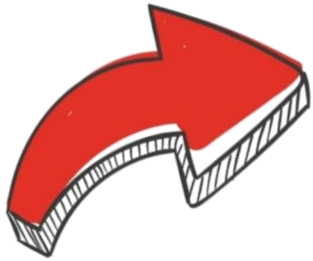


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EXAMPLE

WORD or WORDS



PADINI



moderna®

bamlanivimab

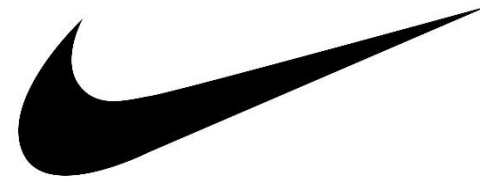
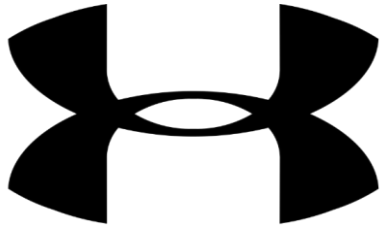


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EXAMPLE



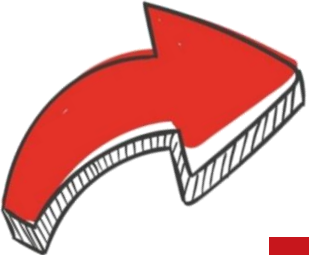
PICTURE or ABSTRACT or DEVICE





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EXAMPLE



LETTER / NUMERAL





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EXAMPLE



KFC

It's finger lickin' good



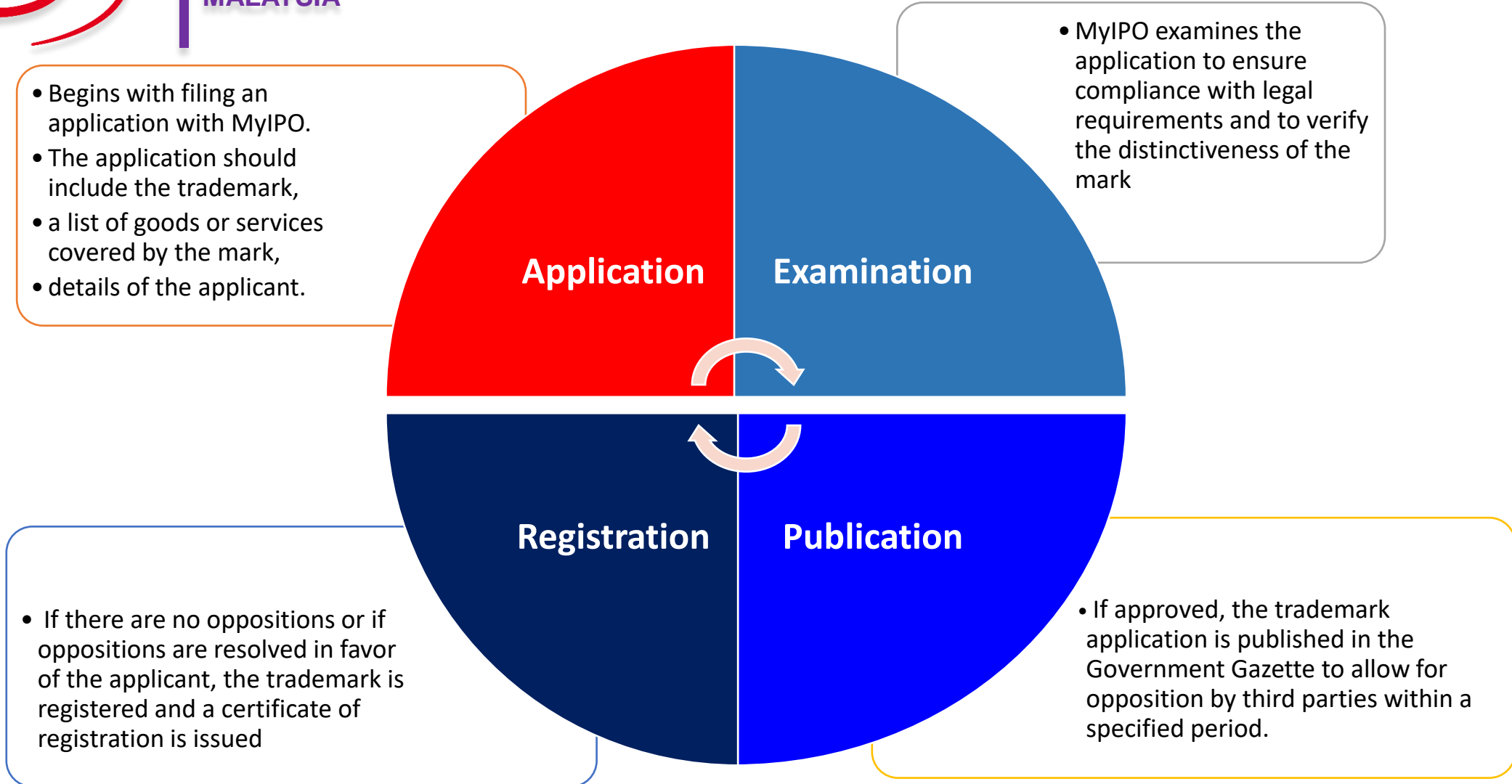
Trademark protection in Malaysia is governed primarily by the Trade Marks Act 2019 and administered by the Intellectual Property Corporation of Malaysia (MyIPO). Here are the key aspects and procedures involved in trademark protection in Malaysia



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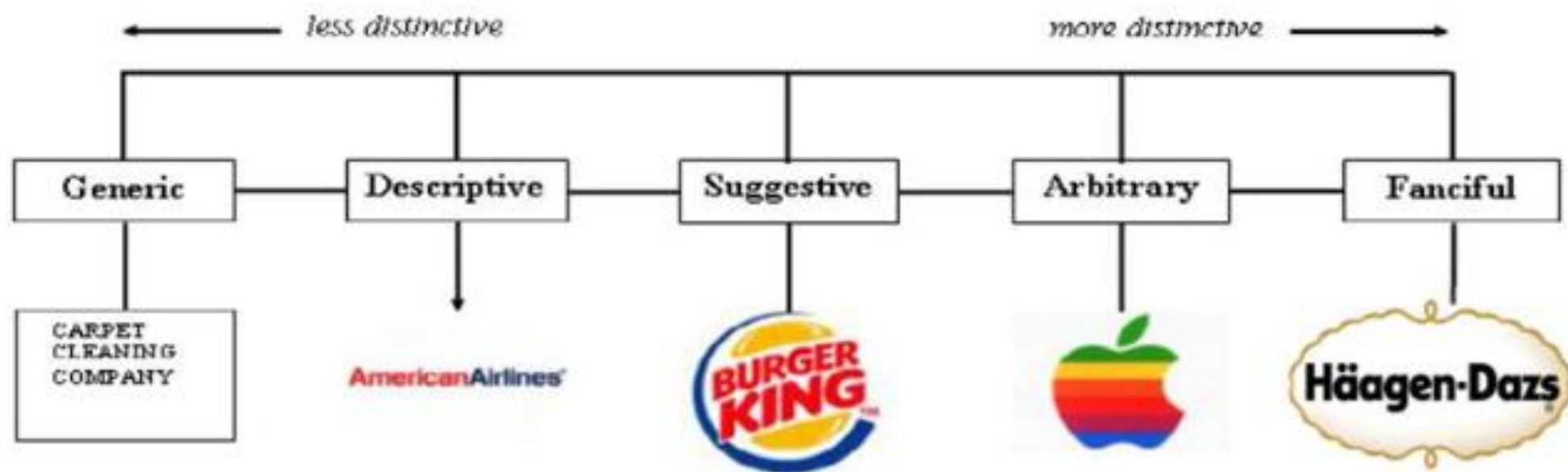


APPLICATION AND REGISTRATION PROCEDURE



Selecting a Mark

Distinctiveness Spectrum



The more distinctive the mark, the greater its level of legal protectability. Generic marks are not capable of trademark protection. Descriptive marks are capable of protection only with a showing of secondary meaning.



REGISTRABLE AND NON- REGISTRABLE TRADE MARKS



Distinctive

- Fanciful
- Arbitrary
- Suggestive



Not
Distinctive

- Merely Descriptive
- Surname
- Primarily Geographically Descriptive



Generic

- Commonly Used Name of the Class of Product/Service
- Commonly Used Adjective for Significant Attribute of Product/Service

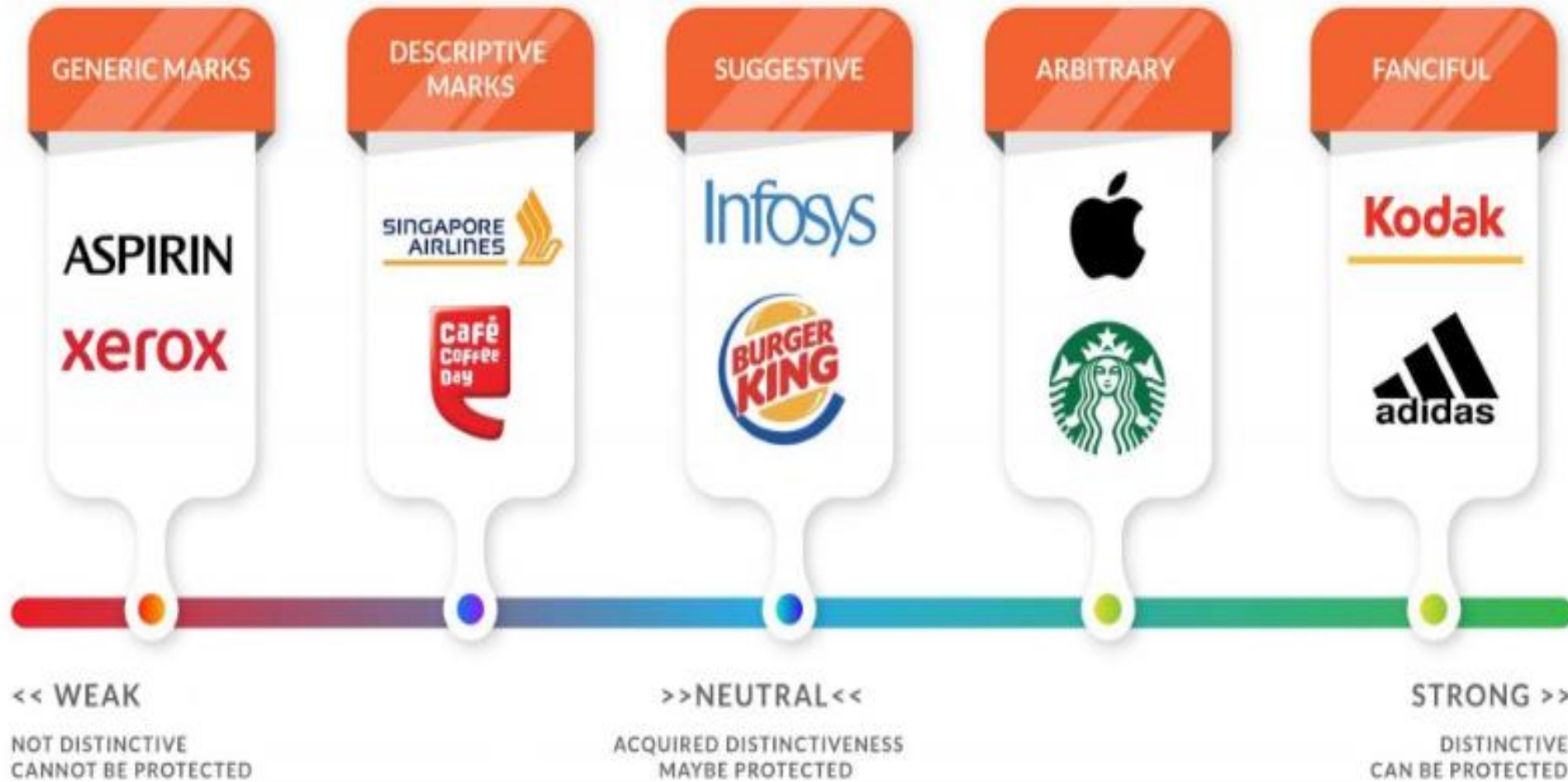




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TRADEMARKS DISTINCTIVENESS SPECTRUM



REGISTRABLE TRADE MARK (S.23, ACD 2019)

Name/Co
name
represented
in a special
manner



Readable
signature



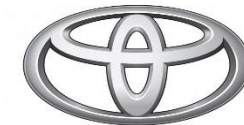
Invented
word or
words



having no
direct
reference to
the
goods/services



Distinctive
sign



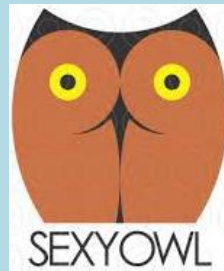
NON-REGISTRABLE TRADE MARK (S.23, TRADEMARK ACT 2019)

Causes
confusion
to the
public &
contrary to
the law



Dirty BirdTM
FRIED CHICKEN

Contrary to
law,
scandalous
or offensive



Prejudicial to
the interest
or security of
nation






Identical or
similar to a
well-known
mark

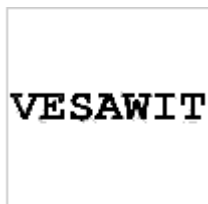


A geographical
name



NON-REGISTRABLE TRADE MARK (S.23, ACD 2019)

 Deno.: CAP BUAH SAWIT Appli. No: 84005043 Appli. Date: 29/10/1984 Class: 29 Stat.: Abandon	 Deno.: SETANDAN SAWIT Appli. No: 87004594 Appli. Date: 05/10/1987 Class: 29 Stat.: Abandon	 Deno.: CAP BUAH SAWIT Appli. No: 89003302 Appli. Date: 08/06/1989 Class: 29 Stat.: Abandon
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Deno.: VESAWIT
Appli. No: 09050445
Appli. Date: 05/08/2009
Class: 29
Stat.: Registered



Deno.: Rasawit
Appli. No: 2017008427
Appli. Date: 08/08/2017
Class: 29
Stat.: Accepted





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NON REGISTRABLE TRADE MARK (S.24, ACD 2019)



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NON-REGISTRABLE TRADE MARK (S.24, ACD 2019)



Hershey's *MALTESER*



Mars' *MALTESERS*





VS





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VS



VS



NON-REGISTRABLE TRADE MARK
(S.24, ACD 2019)

Practical Aspects

- Selecting a trademark
- Protecting a trademark through registration
- Using and maintaining a trademark
- Enforcing a trademark



Scope of Rights

- Enjoy the exclusive right to use the mark
- Enjoy the right to prevent others from using an identical or similar mark for identical or similar goods or services
- Enjoy the right to prevent others from using an identical or similar mark for dissimilar goods or services

Scope of Rights as our business asset

- Licensing: owner retains ownership and agrees to the use of the TM by other company in exchange for royalties > licensing agreement (business expansion/diversification)
- Franchising: licensing of a TM central to franchising agreement. The franchiser allows franchisee to use his way of doing business (TM, know-how, customer service, s/w, shop decoration. Etc)
- Selling/assigning TM to another company (merger & acquisitions/raising of cash)



Consumers are starved for time and overwhelmed by the choices available to them. They want strong **brands with good sign** that simplify their decision making and reduce their risks.”

Kevin Lane Keller, Tuck School of Business



terima kasih



RyzulOsman



[linkedin.com/ryzulosman](https://www.linkedin.com/ryzulosman)

#MyIPO
#IntellectualProperty
#Trademark
#RyzulOsman
#WeHelp



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