



Developemnets in the Protection of Industrial Designs in Malaysia

Hasrulazha Baharin
Industrial Design Division
02 August 2024

1

Introduction to Industrial Design

2

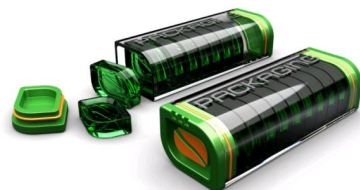
How to File an Industrial Design

3

Proposed Amendment for Industrial Design In Malaysia



INTRODUCTION TO INDUSTRIAL DESIGN



1

Industrial Designs Act 1996

2

Industrial Designs Regulations 1999

3

Paris Convention for the Protection
of Industrial Property 1883

4

Locarno Agreement (International
Classifications for Industrial Design)

Definition: Section 3(1) IDA 1996

“ Industrial Designs ” means features of shape, configuration, pattern or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged by the eye.....”

Shape and Configuration (3D)



Pattern and Ornamentation (2D)



Auntie Rosie
HOMEMADE

HONEY FLAVORED SYRUP

500ml – 17 Fl. Oz.

Ingredients: High Fructose Corn Syrup, Natural Flavors, Caramel Color.
STORE AT ROOM TEMPERATURE. REFRIGERATE AFTER OPENING. DO NOT USE IF SEAL IS BROKEN.
Maruti U.S.A. Corp., New York, NY 10118
1-888-543-8335; info@marutiusa.com

Nutrition Facts
Serving Size: 2 Fl. Oz. (57g)
Amount Per Serving
Calories 100
Calories from Fat 0
Total Fat 0g
Saturated Fat 0g
Trans Fat 0g
Cholesterol 0mg
Sodium 0mg
Potassium 0mg
Total Carbohydrate 25g
Dietary Fiber 0g
Sugars 25g
Protein 0g



Pis SAMBAL OMMA

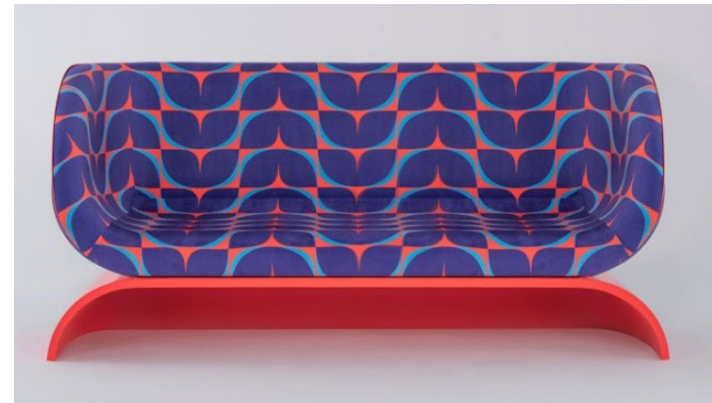
100% HOMEMADE

Tuang, tambah lauk kegemarannya, siap!

Nutrition Facts
Serving Size: 100g
Amount Per Serving
Calories 130
Total Fat 0g
Saturated Fat 0g
Trans Fat 0g
Cholesterol 0mg
Sodium 0mg
Total Carbohydrate 10g
Dietary Fiber 0g
Sugars 10g
Protein 0g



Combination of 3D and 2D



Section 3

- Fulfil the definition of ID

Section 12

- New in Malaysia or elsewhere

Section 13

- Not contrary to public order or morality

What is NOT considered as 'industrial design'?

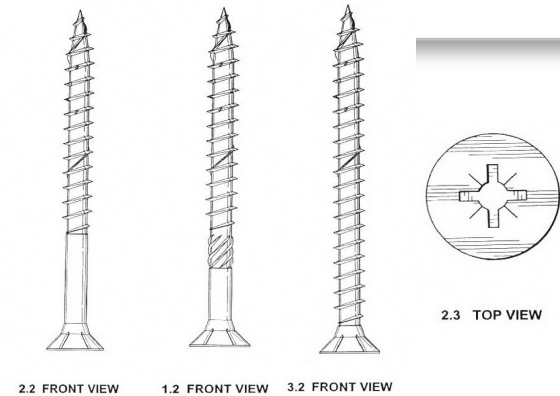


- A method or principle of construction
- The features of the article are **dictated solely by function**
- The features of the article depend upon the appearance of another article which forms an **integral part** of that article
- It differs only in immaterial details or features
- The features of the article do not have a clear aesthetic appearance

A method or principle of construction



- Designs features dictated solely by function are not registrable.
- Characteristics: Lacks design freedom
- However, designs features incorporating functionality to a lesser degree are allowed



- Must fit:
no other feature is possible in order to maintain the function of the object
- Must match:
design features must not be dependent upon the appearance of another article



- An industrial design is NOT considered to be new if it only differs in immaterial details or features.



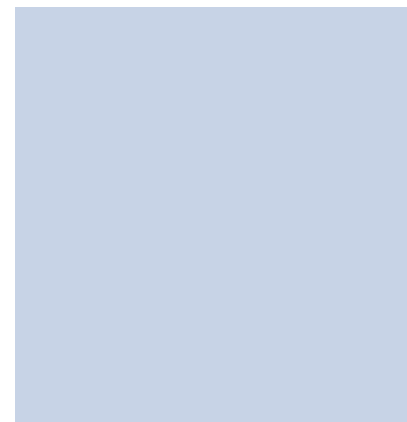
The features of the article do NOT have a clear aesthetic appearance.



Box



Can



Plain wall paper

No protection for colours

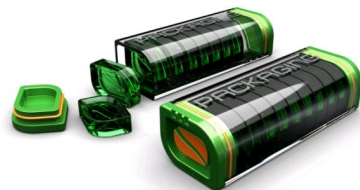


Protect appearance NOT technical / function





HOW TO FILE AN INDUSTRIAL DESIGN?



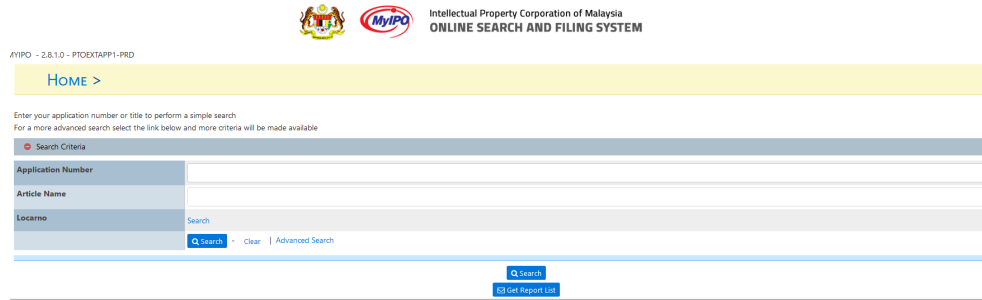


Manual Filing



Online Filing

<https://iponlineext.myipo.gov.my/SPHI/Extra/IP/ID/Qbe.aspx?sid=637998380370439465>



MyIPO - 2.8.1.0 - PTOEXTAPPI-PRD

HOME >

Enter your application number or title to perform a simple search
For a more advanced search select the link below and more criteria will be made available

Search Criteria

Application Number

Article Name

Locarno

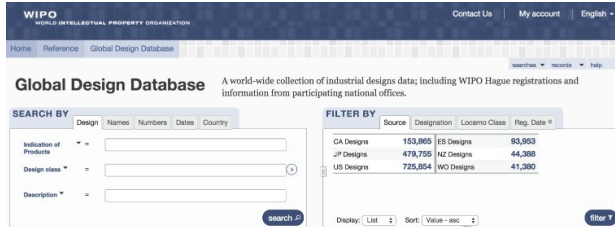
Search

Q Search Clear Advanced Search

Q Search

Get Report List

<http://www.wipo.int/designdb/en/index.jsp>



WIPO WORLD INTELLECTUAL PROPERTY ORGANIZATION

Contact Us My account English

Home Reference Global Design Database

Global Design Database A world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices.

SEARCH BY

Design Names Numbers Dates Country

Indication of Products

Design class

Description

search

FILTER BY

Source	Designation	Locarno Class	Reg. Date #
CA Designs	153,865	ES Designs	93,953
JP Designs	479,755	NZ Designs	44,388
US Designs	725,854	WO Designs	41,380

Display: List Sort: Value - asc Filter



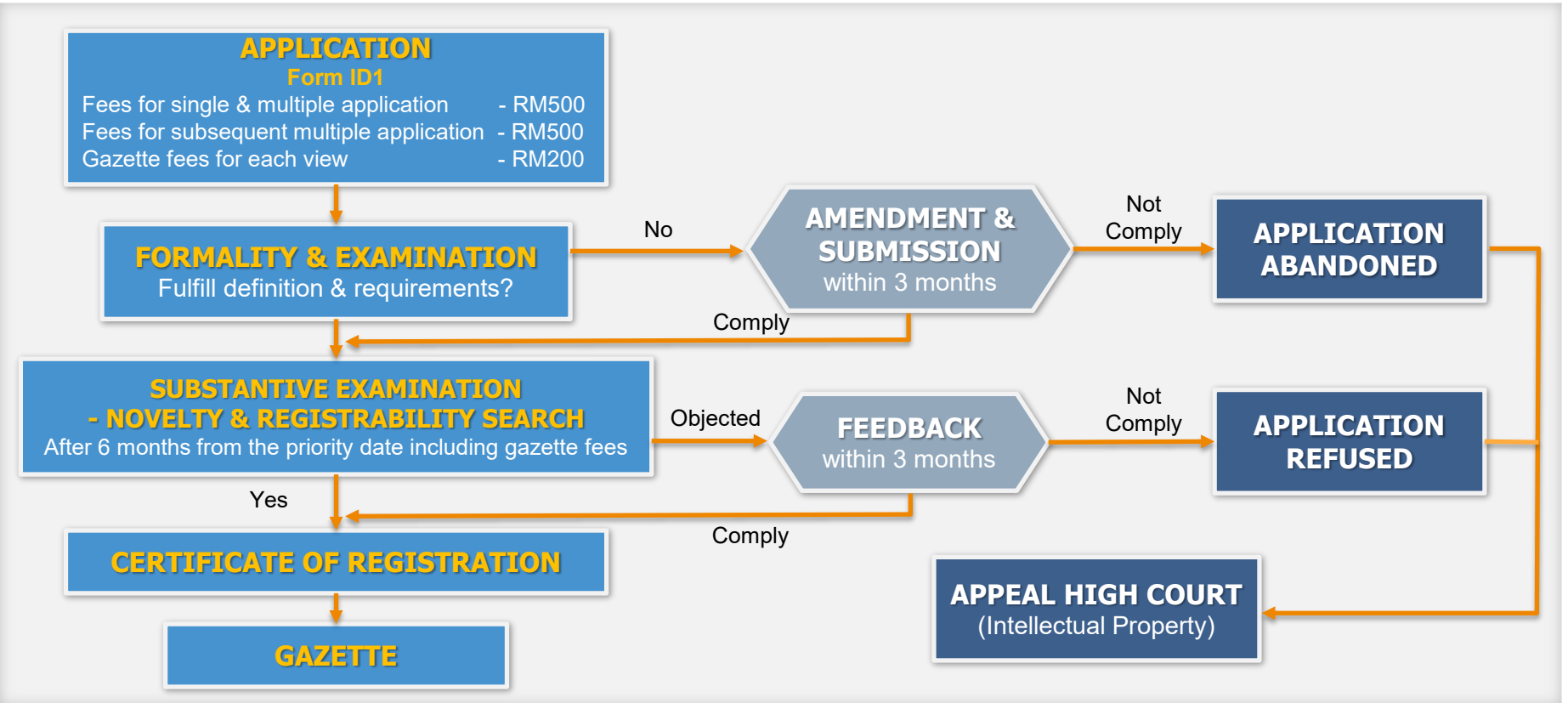
Include non-patent literature (Google Scholar)



<http://www.asean-designview.org/designview/welcome>

FORM	FEES
ID1 FORM	RM 500
GAZZETTED VIEW (IP-JOURNAL)	1 VIEW (RM200)
STATEMENT JUSTIFYING APPLICANT'S RIGHT (SJAR)	NO PAYMENT
PRIORITY DOCUMENT (IF ANY)	NO PAYMENT
1 SET OF REPRESENTATION (DRAWING)	NO PAYMENT
ID10 FORM (VIA AGENT)	RM 100

INDUSTRIAL DESIGN APPLICATION PROCEDURE



PERIOD OF PROTECTION



Upon grant of certificate, 5 years from the filing date



Option to extend for further FOUR consecutive terms of 5 years each



Total period of protection is 25 years



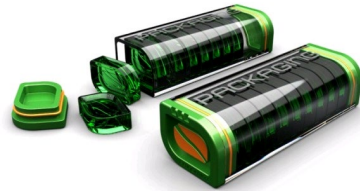
ID 2 Form [RM800 for each extension]



Lapsed if no application for extension is made [6 months after expiry date]



Proposed Amendment for Industrial Design In Malaysia



1

Enhance Industrial Design Definition

2

Introduce Non-Substantive Examination for Short-term life-cycle product

3

Acceding Hague Agreement

A top-down view of a white desk with various items: a white coffee cup with black coffee, a pair of black-rimmed glasses, a white keyboard, a black mouse, a black pen, a silver pen, a small potted plant, and a decorative white object.

“

Thank you”

HASRULAZHA BIN BAHARIN

Industrial Design Division

hasrul@myipo.gov.my

03- 7496 8915