



**INTELLECTUAL PROPERTY CORPORATION
OF MALAYSIA (MyIPO)**

MINISTRY OF DOMESTIC TRADE, CO-OPERATIVE AND CONSUMERISM, MALAYSIA

**WIPO-ASEAN Sub-Regional Forum on
Promotion of Innovation through Effective
Cooperation on Patent Examination**

Bangkok, 4 – 5 October 2010

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Theme 4

**CURRENT STATUS AND FUTURE
PROSPECTS ON PATENT :
MALAYSIA**

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Outline of Presentation

- ❑ Corporate Profile
- ❑ Patent System in Malaysia
- ❑ Patent Performance and Statistics
- ❑ Promoting Innovation through the Patent System in Malaysia

Corporate Profile

IP Management

MINISTRY OF DOMESTIC
TRADE, CO-OPERATIVE AND
CONSUMERISM, MALAYSIA

BOARD OF
CORPORATION

INTELLECTUAL PROPERTY
CORPORATION OF
MALAYSIA (MyIPO)

Background

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)

- Corporatized 3 March 2003
- Intellectual Property Corporation Act 2002
- Responsible for the development and management of intellectual property system in Malaysia
- Semi-autonomous body
 - Able to recruit and train staff on its own terms
 - manage its own finance
 - Running operation based from income derived from registration
 - Launching grant of RM48 million (USD 15.5 million)
 - Taxation by the government 30 % of net income

Our Vision, Mission and Motto

Vision

“To be one of the leading IP organizations”

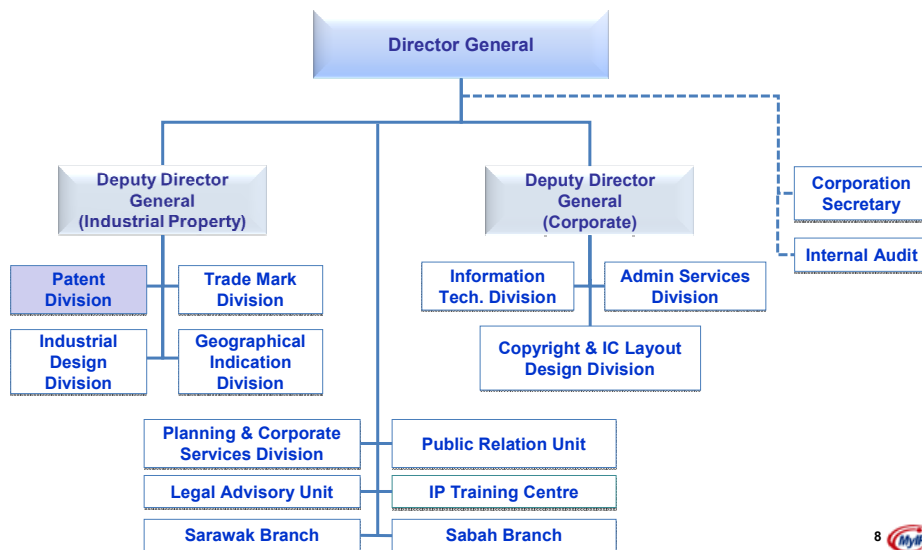
Mission

“Provides effective legal infrastructure and administration regime to enhance greater creativity, protect innovation and realize the value of intellectual property”

Motto

“Protecting Innovation – Advancing Competitiveness”

Organisational Structure



Functions

- Administer and enforce IP Legislations
- Administer, collect and enforce payment of prescribed fees / charges
- Regulate / supervise IP issues
- Review / update IP Legislations
- Organize training and disseminate infos on IP

Functions (cont.)

- Promote cooperation program at national and international level
- Safeguard Malaysia's interest in respect of any agreement or international convention to which Malaysia is a party
- Advise the Government on IP matters
- Conduct research and studies on IP issues

Our Services

- Registration of patents, trade marks, industrial designs and geographical indications
- Advisory and consultancy services on IP
e.g. Non-registration
- IP focal point and negotiators
 - Free Trade Agreement (FTA)
 - AWGIPC
- Provide IP information/statistics

Our Services (cont.)

- IP training – IP Training Centre (IPTC)
- Patent agent examination – once a year

Our Services (cont.)

- Online services (online search, filing and checking application status)



Our Services (cont.)

- Outreach program – various levels of target group
- Helpdesk – for public queries on IP matters

Demographic Profile

- 297 staff (177 Females, 122 Males)
- 214 (73.4%) under 40 years old
- 124 (41.75%) with tertiary education
- 45 (15%) contract staff
- 72 patent examiners (35 F, 37 M)
- 53 trade mark examiners (35 F, 18 M)
- 7 industrial design examiners (3F, 4M)

PARTIES TO INTERNATIONAL TREATIES OR CONVENTIONS

- World Intellectual Property Organization (1 January 1989)
- Paris Convention (1 January 1989)
- Berne Convention (1 October 1990)
- Agreement on Trade Related Aspects of Intellectual Property Rights (WTO - 1994)
- Patent Cooperation Treaty (16 May 2006)
- Nice Agreement (28 June 2007)
- Vienna Agreement (28 June 2007)

Acts Governing IP in Malaysia

MyIPO

- Intellectual Property Corp. 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 Acts 2000

MINISTRY OF AGRICULTURE

- Plant Varieties Act 2004

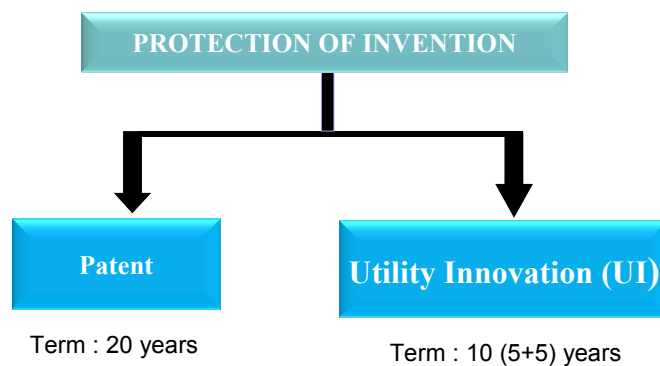
Patent System in Malaysia

Patent Prosecution

Concept of Patent System in Malaysia

- First-to-File principle
- 18 months lay-open for public inspection of unexamined application
- Request for substantive examination : within 2 years from filing date
- Grace period provision
- Term of protection : 20 years from filing date
- Modified examination system:
 - supply foreign patents: EPO, USA, GB, AU, KR & JP
- Language - English and Bahasa Melayu
- Opportunity for hearing before grant
- No opposition after grant
- Invalidation of patents through High Court

Patent Prosecution



Patent Prosecution

Services for Patent

- Receiving patent application and fees
- Examination as to substance
- Lay-Open for public inspection of patent application
- Publication of granted patent
- Refusal or grant patent
- Maintenance of patents

Patent Prosecution

Services For Patent (cont.)

- Application for compulsory licenses
- Patent information services
- Update the policy and legal aspects of patent law
- Supervise technical training for patent examiners
- Monitor registration and renewal of patent agents

Patent Prosecution

MyIPO Patent Business

- Divided into two main divisions:
 - The Formality Section
 - The Patent Examination Section
 - Engineering Section
 - Applied Sciences Section

Patent Prosecution

EXAMINATION

2 stages in the examination process:

- Formality examination
 - Examination to comply with the formality requirements of the Act and Regulations
- Substantive examination
 - Search and examination to comply with the substantive requirements of the Act and Regulations

Patent Prosecution

SUBSTANTIVE EXAMINATION

- Full Substantive Examination
- Modified Substantive Examination

Patent Prosecution

FULL SUBSTANTIVE EXAMINATION

- Request Full Substantive Examination Form 5
- Fee RM700 (USD 226)
- Full Search and Examination

Patent Prosecution

MODIFIED SUBSTANTIVE EXAMINATION

- Introduced 1995
- To expedite the search and examination
- Request Form 5A
- Fee RM450 (USD 146)
- Submit foreign patent
 - EPO, GB, USA, AU, KR or JP
- Top-up Search and Examination

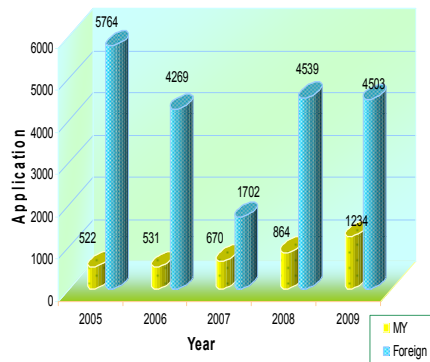
Patent Performance, Statistics 2005 - 2009

Patent Statistics

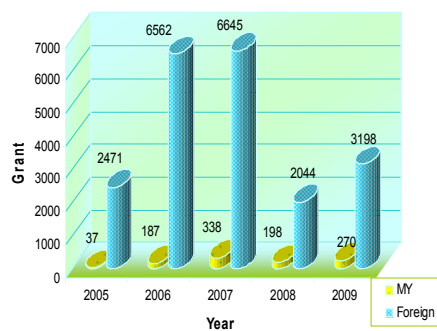
| Year | Application Received | | | Granted | | |
|-------|----------------------|---------|--------|---------|---------|--------|
| | Local | Foreign | Total | Local | Foreign | Total |
| 2005 | 522 | 5,764 | 6,286 | 37 | 2,471 | 2,508 |
| 2006 | 531 | 4,269 | 4,800 | 187 | 6,562 | 6,749 |
| 2007 | 670 | 1,702 | 2,372 | 338 | 6,645 | 6,983 |
| 2008 | 864 | 4,539 | 5,403 | 198 | 2,044 | 2,242 |
| 2009 | 1,234 | 4,503 | 5,737 | 270 | 3,198 | 3,468 |
| Total | 3,821 | 20,777 | 24,598 | 1,030 | 20,920 | 21,950 |

Patent Statistics

PATENT AND UTILITY INNOVATION APPLICATIONS



GRANTED PATENT AND CERTIFICATE OF UTILITY INNOVATION



Patent Statistics

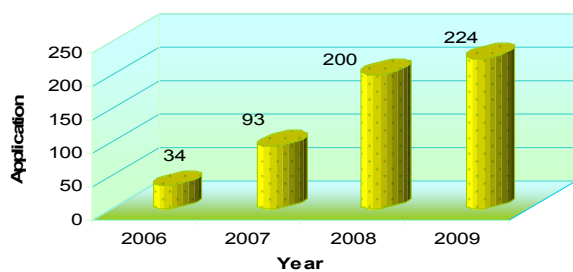
PATENT GRANTED BY INTERNATIONAL PATENT CLASSIFICATION

| Year | A | B | C | D | E | F | G | H | TOTAL |
|------|-------|-------|-------|-----|-----|-----|-------|-------|-------|
| 2005 | 333 | 452 | 600 | 30 | 82 | 164 | 316 | 531 | 2,508 |
| 2006 | 948 | 1,155 | 1,275 | 101 | 197 | 448 | 1,042 | 1,583 | 6,749 |
| 2007 | 1,179 | 1,213 | 1,748 | 109 | 221 | 407 | 883 | 1,223 | 6,983 |
| 2008 | 423 | 421 | 451 | 33 | 98 | 159 | 293 | 364 | 2,242 |
| 2009 | 656 | 633 | 837 | 53 | 119 | 185 | 488 | 497 | 3,468 |

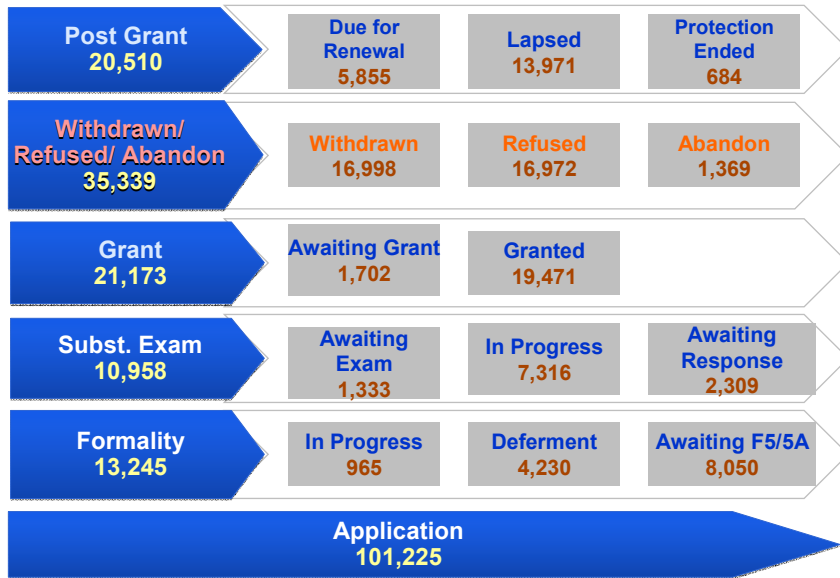
Patent Statistics

PCT Applications

| Year | 2006 | 2007 | 2008 | 2009 | Total |
|-------------------------|------|------|------|------|------------|
| PCT Applications | 34 | 93 | 200 | 224 | 551 |



Patents status (1986 – Q1 2010)



**Promoting Innovation through
the Patent System in Malaysia**

Malaysian Government Efforts

IP COMMERCIALISATION POLICY FOR RESEARCH & DEVELOPMENT PROJECTS FUND

- Fund by Government for research, development and commercialisation purposes
- Provided for Government Agencies & Research Institutes including Institutions of Higher Learning
- Aims :
 - Establish common framework to regulate the ownership and management of IP
 - Promote and facilitate the protection of IP in line with NIPP
 - Promote and facilitate the exploitation and commercialisation of IP generated from projects funded by Government

Malaysian Government Efforts

POLICY PROVIDES GUIDELINES ON:

- Ownership of Intellectual Property
- Exploitation of Intellectual Property
- Disclosure and Evaluation of Invention
- Commercialisation
- Wealth Sharing
- Incentives for Invention
- Dispute Resolution

Malaysian Government Efforts

INCENTIVES FOR INVENTION

- ❑ Upon Disclosure of Invention
 - Incentive : RM 500 (USD 161)
- ❑ Upon Filing of Patent Application
 - Incentive : RM 5,000 (USD 1,616)
- ❑ Upon Grant of Patent
 - Incentive : RM 10,000 (USD 3,233)

MyIPO's Initiatives

PROMOTE GRANTING AND ENCOURAGE INNOVATION

- ❑ Amendment of Act & Regulations
 - To facilitate granting of patents
- ❑ Increase number of examiners
 - Recent intake of 25 formality and substantive patent examiners
 - Next intake of 21 examiners
- ❑ Decrease pendency period
 - Year 2012 : 24 months

MyIPO'S Initiatives

PROMOTE GRANTING AND ENCOURAGE INNOVATION

- ❑ Upgrade IT infrastructure
 - To facilitate faster patent application processing
- ❑ Upgrade examiner's searching tools
 - To facilitate faster and more efficient search and examination



Thank You



Perbadanan Harta Intelek Malaysia
Intellectual Property Corporation of Malaysia
www.myipo.gov.my