



INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA
(Perbadanan Harta Intelek Malaysia)

**WIPO Regional Seminar on the Legislative,
Economic and Policy Aspects of Utility Models Protection System
3 – 4 September, Kuala Lumpur**

**Utility Models Protection in Malaysia – Utility Innovation
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Patent Division, MyIPO**

Outline of Presentation

- Corporate Profile
- Utility Innovation in Malaysia

Corporate Profile

Corporate Profile

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

**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**

Our Vision, Mission and Motto

Vision

“To be one of the leading IP organizations”

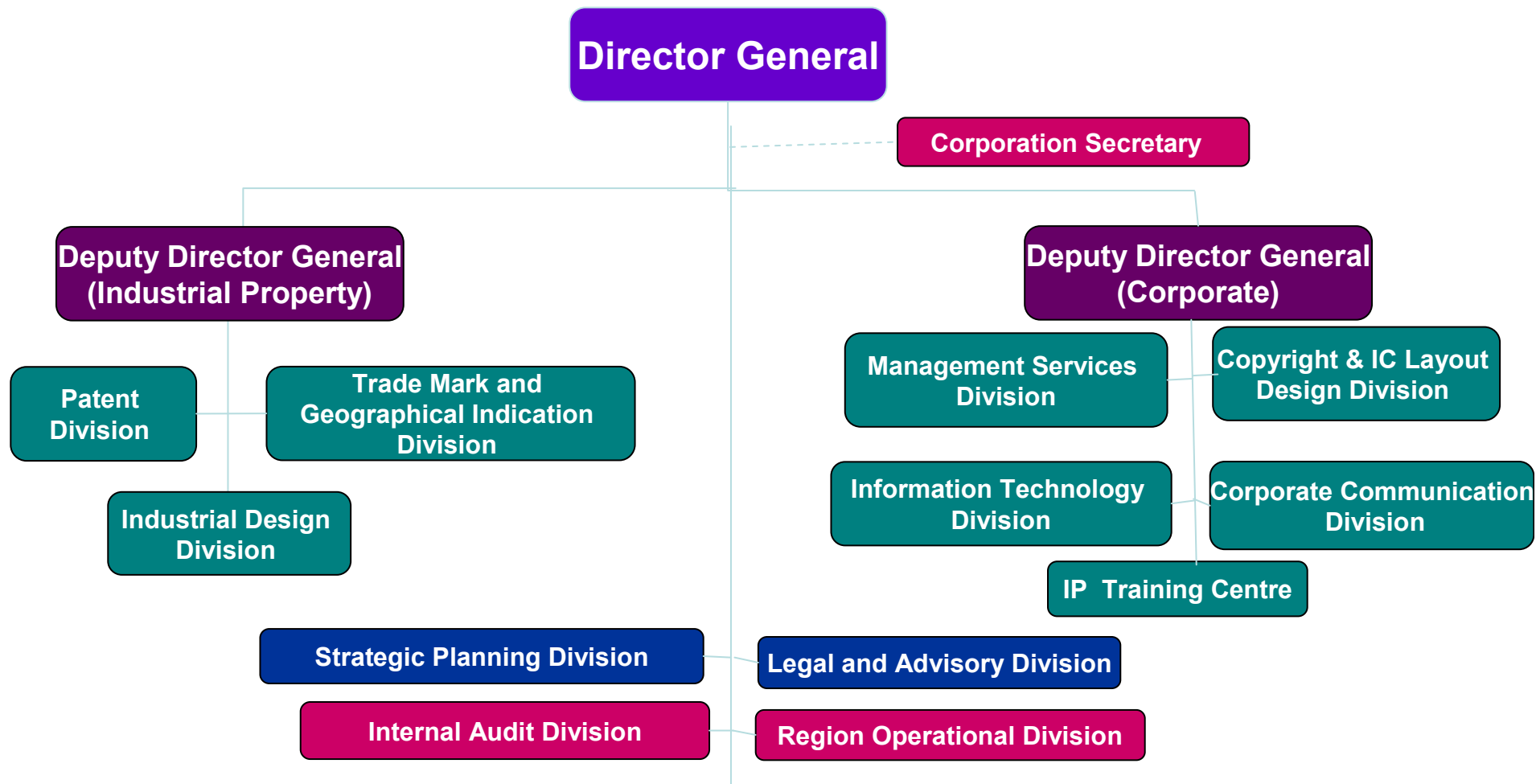
Mission

“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



Demographic Profile

- **413 staff (251 Females, 162 Males)**
- **327 (79.18%) under 40 years old**
- **82 patent examiners**
- **53 trade mark examiners**

International Treaties Or Conventions

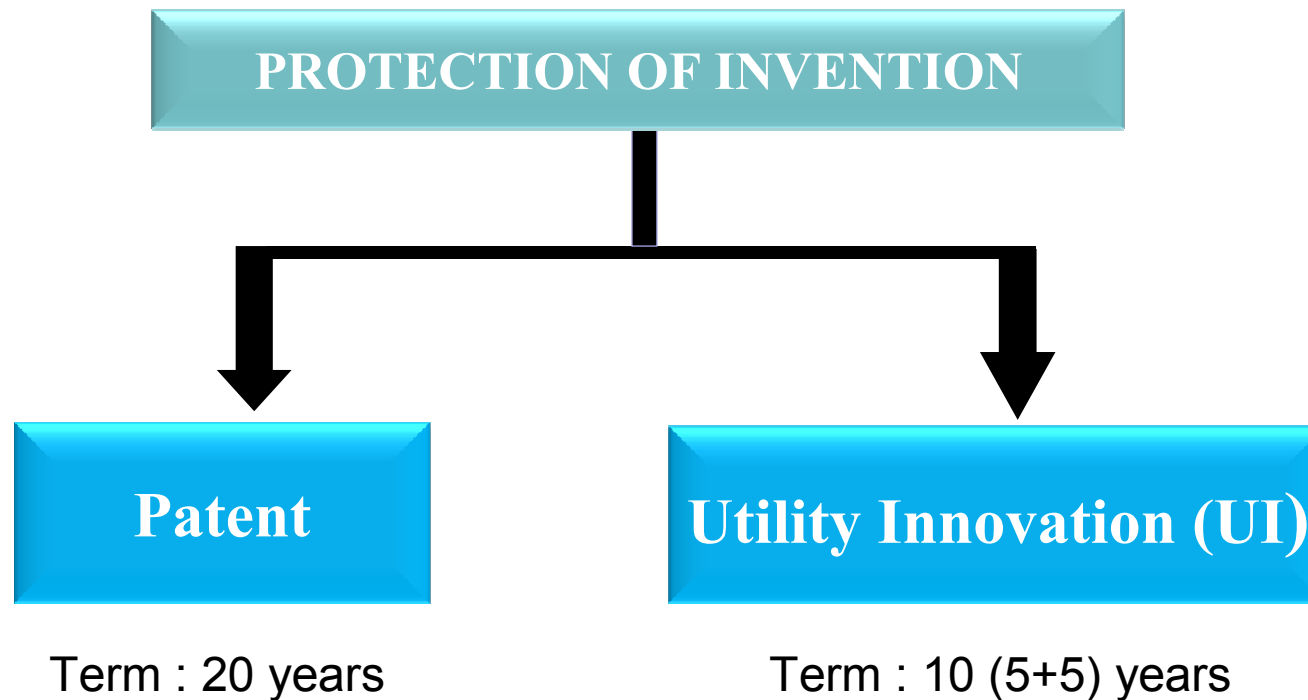
- **World Intellectual Property Organization (1 January 1989)**
- **Paris Convention (1 January 1989)**
- **Berne Convention (1 October 1990)**
- **Agreement on Trade Related Aspects of Intellectual Property Rights (WTO - 1994)**
- **Patent Cooperation Treaty (16 May 2006)**
- **Nice Agreement (28 June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

Protection of Invention in Malaysia

Patent Division of MyIPO

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

Protection of invention



Utility Innovation(UI)

- **To provide protection for minor inventions**
- **Target groups:**
 - **Local individual inventors**
 - **Students**
 - **Local SMEs**

Utility Innovation (UI)

- **Limited to only one (1) claim**
- **Fee – RM140 (45USD) for request of grant and RM1,100 (354USD) for substantive examination**
- **Subjected to substantive examination**

Utility Innovation (UI)

- **Substantive Examination for UI:**
 - **Non-patentable inventions (Section 13)**
 - **Novelty (Section 14)**
 - **Industrial application (Section 16)**
 - **No examination on inventive step – easier to get a grant**

Differences between UI and Patent

Items	PATENT	UI
Form 1	RM290(USD93)	-
Form 14	-	RM140(USD45)
Form 5	RM1,100(USD352)	RM1,100(USD352)
Patentability Criteria	-New -Inventive -Industrially applicable	-New -Industrially applicable
Term of Protection	20 years	10 + (5 +5) years

Utility Innovation(UI)

- **Non-patentable inventions:**
 - **Discoveries, scientific theories and mathematical methods**
 - **Plant or animal varieties or essentially biological processes for the production of plants or animal**
 - **Schemes, rules or methods for doing business, performing purely mental acts or playing games**
 - **Methods of treatment of human or animal body by surgery or therapy**

Utility Innovation (UI)

- Applications can be converted from patent to UI and from UI to patent
- Patent and UI cannot be granted for the same invention
- Protection for 10 years + 5 + 5 years

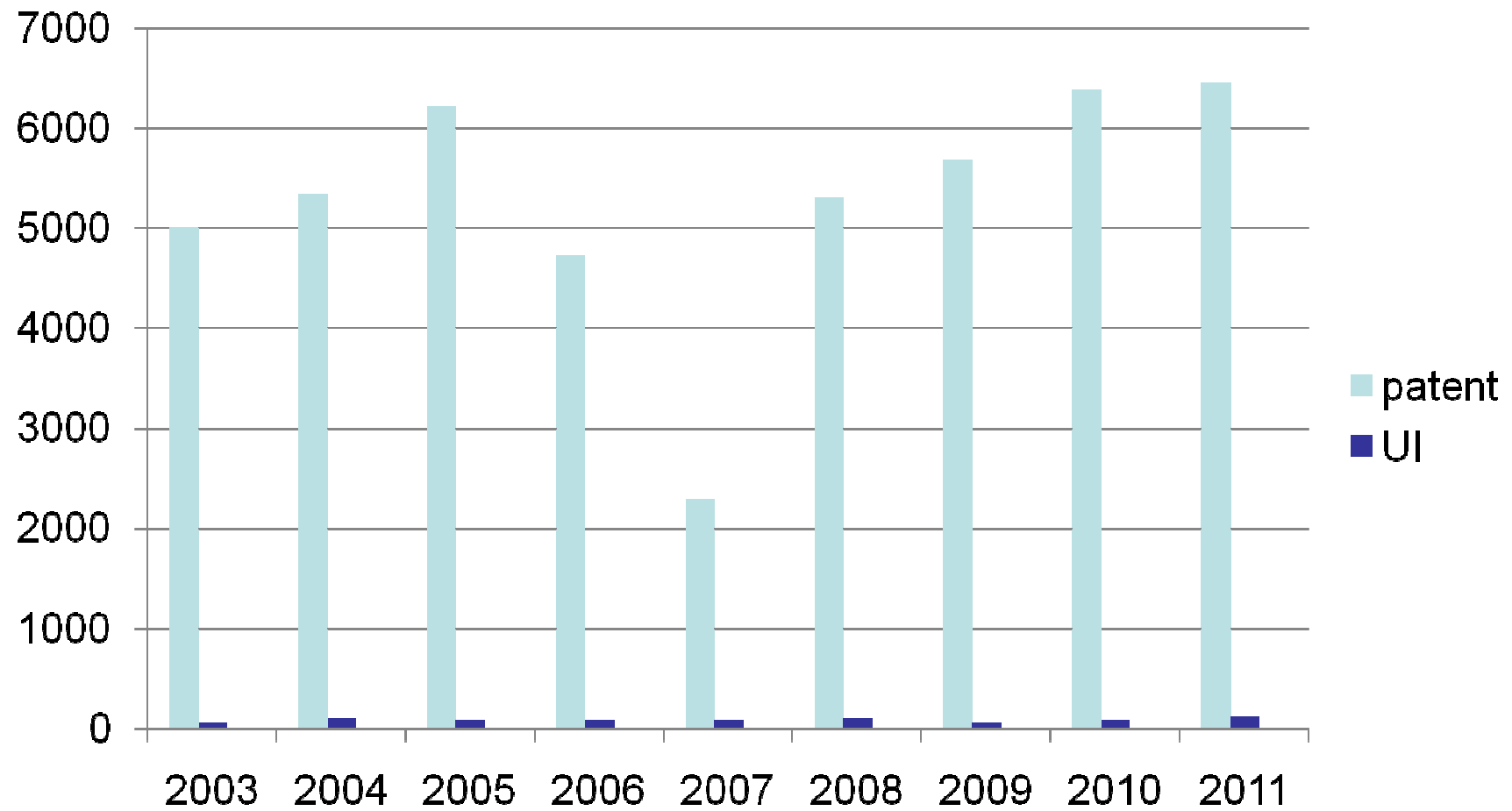
Statistics

Year of Filing	Foreign	Local	Total UI Applications	Percentage from total applications (%)
2003	40	20	60	1.18
2004	49	48	97	1.78
2005	48	27	75	1.19
2006	46	31	77	1.60
2007	44	34	78	3.28
2008	66	32	98	1.81
2009	32	29	61	1.06
2010	37	47	84	1.30
2011	50	61	111	1.70
Total	412	329	741	

Statistics

Year of Filing	Total UI applications	Total patent applications
2003	60	5002
2004	97	5345
2005	75	6211
2006	77	4723
2007	78	2294
2008	98	5305
2009	61	5676
2010	84	6380
2011	111	6448

Patent vs. UI



Identified Reasons

- **Limitation to only one claim – claim too specific**
- **No priority treatment to UI**
- **Protection for 10 years + 5 + 5 years – need to show the utilization of UI for extension**

Proposed Amendment

- **To change to non-substantive examination system**
- **To provide cheap and fast grant of UI**
- **More claims allowed**
- **Could request substantive examination after grant**
- **A lower level of inventiveness**
- **A more practical period of protection**



Thank You