

**INTELLECTUAL PROPERTY CORPORATION OF
MALAYSIA**

PERBADANAN HARTA INTELEK MALAYSIA (MyIPO)

**WIPO REGIONAL WORKSHOP ON
EFFECTIVE USE OF THE PCT SYSTEM :
THE EXPERIENCE OF ASIAN COUNTRIES
- MALAYSIA**

*Bangkok, Thailand
17 May 2012*



OVERVIEW

The strength of intellectual property (IP) system has long been a key factor influencing foreign direct investment decisions, particularly for knowledge-intensive businesses.

As Malaysia's economic competitiveness is increasingly driven by knowledge-based industries, Intellectual Property (IP) is now a critical component of the country's present and future success in the global economy

Malaysia as a PCT Contracting State

- accession to the PCT on 16 May 2006
- bound by Chapter II
- entered into force on 16 August 2006

Effective Use of PCT System

RO/MY

Patent process efficiency :

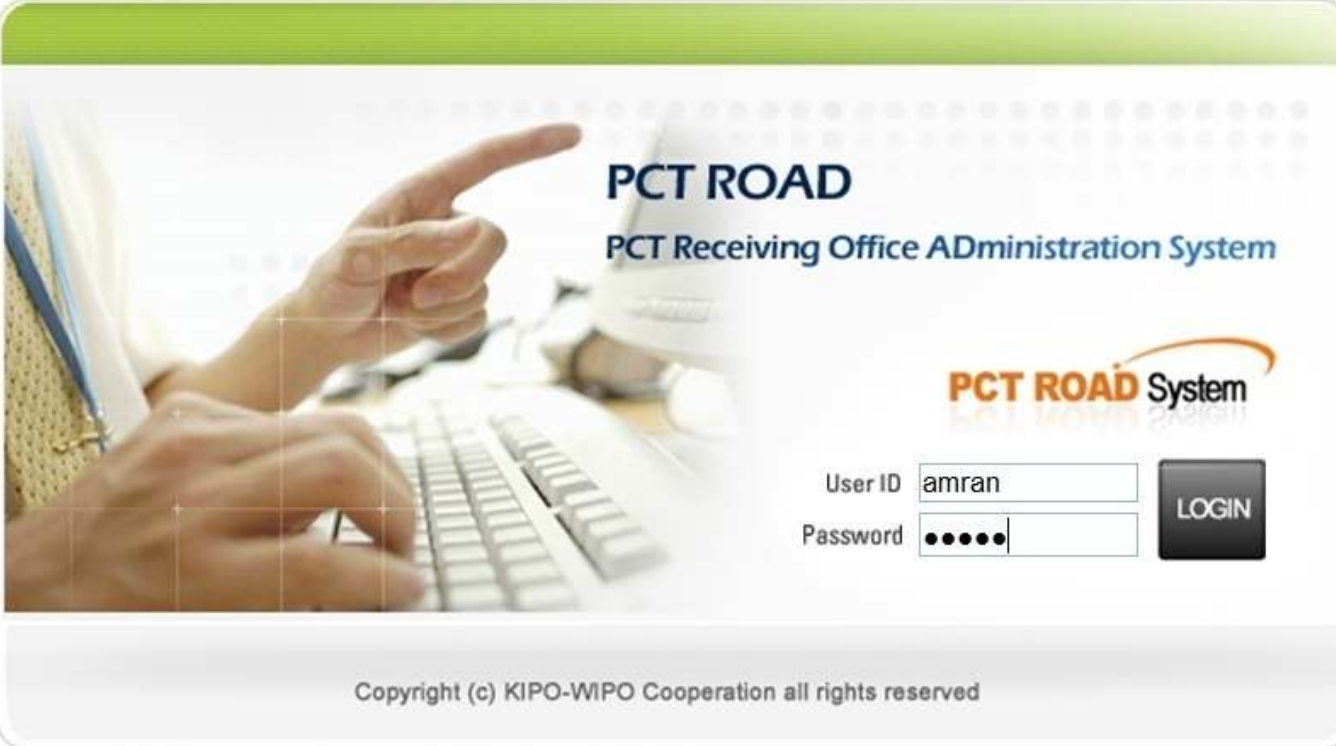
- PCT-ROAD -to receive and process application
- PCT-SAFE - filer to create and submit application
- PCT-EDI - to transfer RO-WASP to IB

Patent document access :

- PATENTSCOPE
- PCT-PADOS

PCT-ROAD

- To facilitate processing of filings on paper or PCT-SAFE



PCT ROAD
PCT Receiving Office Administration System

PCT ROAD System

User ID

Password

LOGIN

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PCT-ROAD

- Provide major functions required such as receiving, data entry, ex-officio correction, formality checking, IA retrieve, System Mgt.

The screenshot displays the PCT-ROAD web application interface. At the top, there is a navigation menu with options like 'Receiving', 'Data Entry', 'Submission', 'RCM/PCP', 'Fee Mgt', 'Marking', 'Cancel Mgt', 'System Mgt', and 'Help'. Below the menu, there are search filters for 'PCT/IR' and 'IA Retrieve'. The main content area is titled 'Receiving Status' and shows a table of applications with columns for Receipt No., IA No., Receiving Date, File format (Receiving media), and Applicant. Below the table, there is a 'Basic Information' section with a dropdown menu for 'View Receipt Application in PDF'.

Receipt No.	IA No.	Receiving Date	File format(Receiving media)	Applicant
RCM/2011000000	PCT/IR/2011000003	2011/09/13 10:03:45	Paper	UNIVERSITI SAINS MALAYSIA
RCM/2011000000	PCT/IR/2011000002	2011/09/14 14:24:11	Paper	UNIVERSITI PUTRA MALAYSIA
RCM/2011000000	PCT/IR/2011000001	2011/09/12 12:33:20	Paper	MTV DIGITAL TECHNOLOGY SDN BHD
RCM/2011000000	PCT/IR/2011000000	2011/09/08 16:55:01	Paper	UNIVERSITI SAINS MALAYSIA

Basic Information	
Title of the invention	
Receipt No.	RCM/2011000000
IA No.	PCT/IR/2011000003
Receiving Date	2011/09/13 10:03:45
Date of issuing of the receipt	2011/09/20
Submission type	Visit
File format(Receiving media)	Paper
Applicant's or agent's file reference	10145 P03PC
Last name or name (in case of legal entity) of applicant or agent	UNIVERSITI SAINS MALAYSIA
First name of applicant	
Number of Applications	

At the bottom of the page, there are buttons for 'UPDATE', 'DELETE', and 'RECEIPT PRINT'.

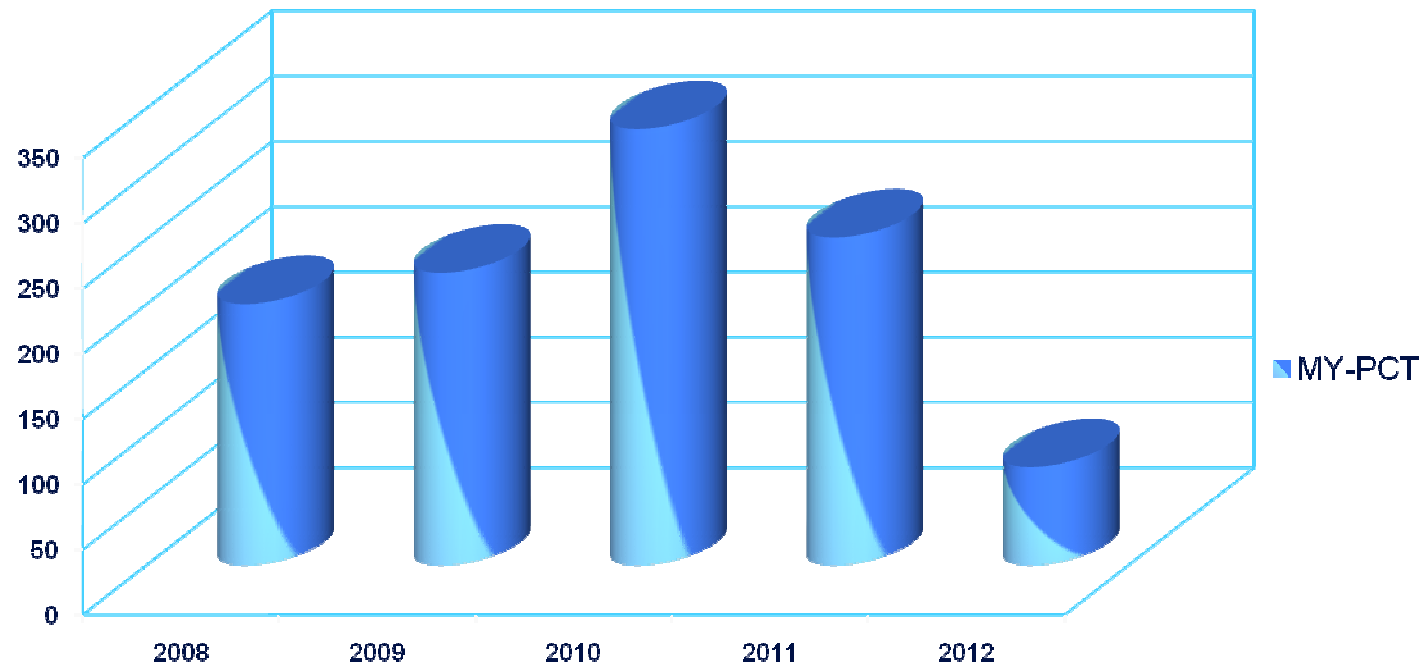
PCT-ROAD

- IA Dossier management – fee calculation, detail information search and status for IA, to manage incoming/outgoing documents

The screenshot displays the PCT-ROAD web application interface. At the top, there is a navigation bar with the PCT-ROAD logo and various menu options like 'Home', 'Dashboard', 'Examination', 'RD Search', 'Fee Mgmt', 'Document', 'Dossier Mgmt', 'System Mgmt', and 'Help'. Below the navigation bar, there are search filters for 'PCT' (MY) and 'IA' (IA Status), along with buttons for 'Review' and 'Work State Board'. A 'Deadline' section is visible, with options for 'before deadline' and 'after deadline', and a 'Go to Generate RD Forms' button.

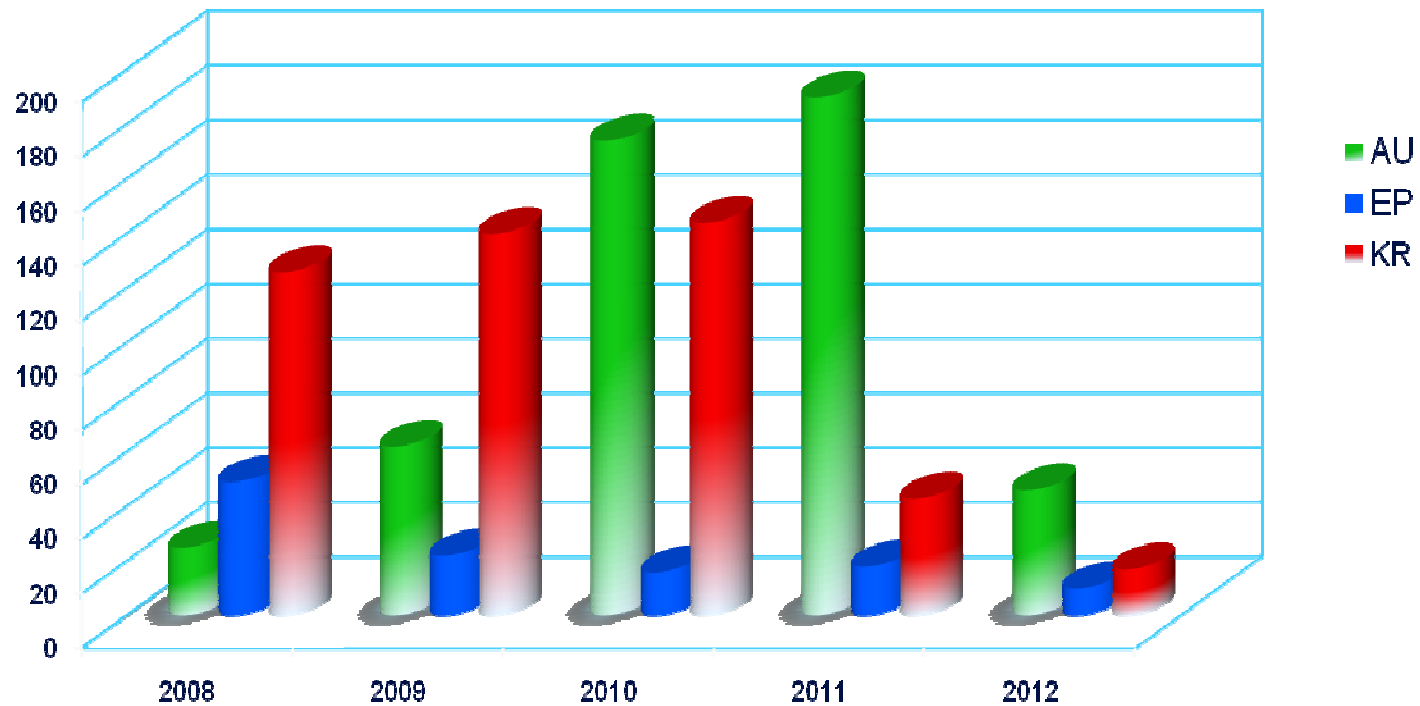
Receipt No.	Date of Receipt	IA No.	Receipt Send No.	Examiner	Exam No.	Status	Type	Correction
20110001	2011/01/07	ECM/2011/00001	ROM/2011/00007	swat	RD-01	In progress	Initiation by RD	Correction
20110002	2011/01/08	ECM/2011/00002	ROM/2011/00007	haly	RD-01	In progress	Sending record copy	
20110003	2011/01/08	ECM/2011/00003	ROM/2011/00005		RD-01	In progress	Sending record copy	
20110004	2011/01/08	ECM/2011/00004	ROM/2011/00004	haly	RD-01	In progress	Sending record copy	
20110005	2011/01/08	ECM/2011/00005	ROM/2011/00004		RD-01	In progress	Sending record copy	
20110006	2011/01/08	ECM/2011/00006	ROM/2011/00007	swat	RD-01	In progress	Payment of fee for the priority document	
20110007	2011/01/08	ECM/2011/00007	ROM/2011/00004	haly	RD-01	In progress	Payment of international filing fee	No payment
20110008	2011/01/08	ECM/2011/00008	ROM/2011/00004		RD-01	In progress	Payment of international filing fee	No payment
20110009	2011/01/08	ECM/2011/00009	ROM/2011/00007	haly	RD-01	In progress	Sending record copy	
20110010	2011/01/08	ECM/2011/00010	ROM/2011/00008	haly	RD-01	In progress	Sending record copy	
20110011	2011/01/08	ECM/2011/00011	ROM/2011/00004		RD-01	In progress	Payment of international filing fee	No payment
20110012	2011/01/08	ECM/2011/00012	ROM/2011/00009	haly	RD-01	In progress	Payment of international filing fee	No payment
20110013	2011/01/08	ECM/2011/00013	ROM/2011/00007	haly	RD-01	In progress	Payment of international filing fee	No payment
20110014	2011/01/08	ECM/2011/00014	ROM/2011/00004	haly	RD-01	In progress	Initiation by RD	Correction
20110015	2011/01/08	ECM/2011/00015	ROM/2011/00004	haly	RD-01	In progress	Initiation by RD	
20110016	2011/01/08	ECM/2011/00016	ROM/2011/00004	haly	RD-01	In progress	Initiation by RD	
20110017	2011/01/08	ECM/2011/00017	ROM/2011/00004	haly	RD-01	In progress	Initiation by RD	
20110018	2011/01/08	ECM/2011/00018	ROM/2011/00004	haly	RD-01	In progress	Initiation by RD	
20110019	2011/01/08	ECM/2011/00019	ROM/2011/00004	haly	RD-01	In progress	Initiation by RD	

MY-PCT Application



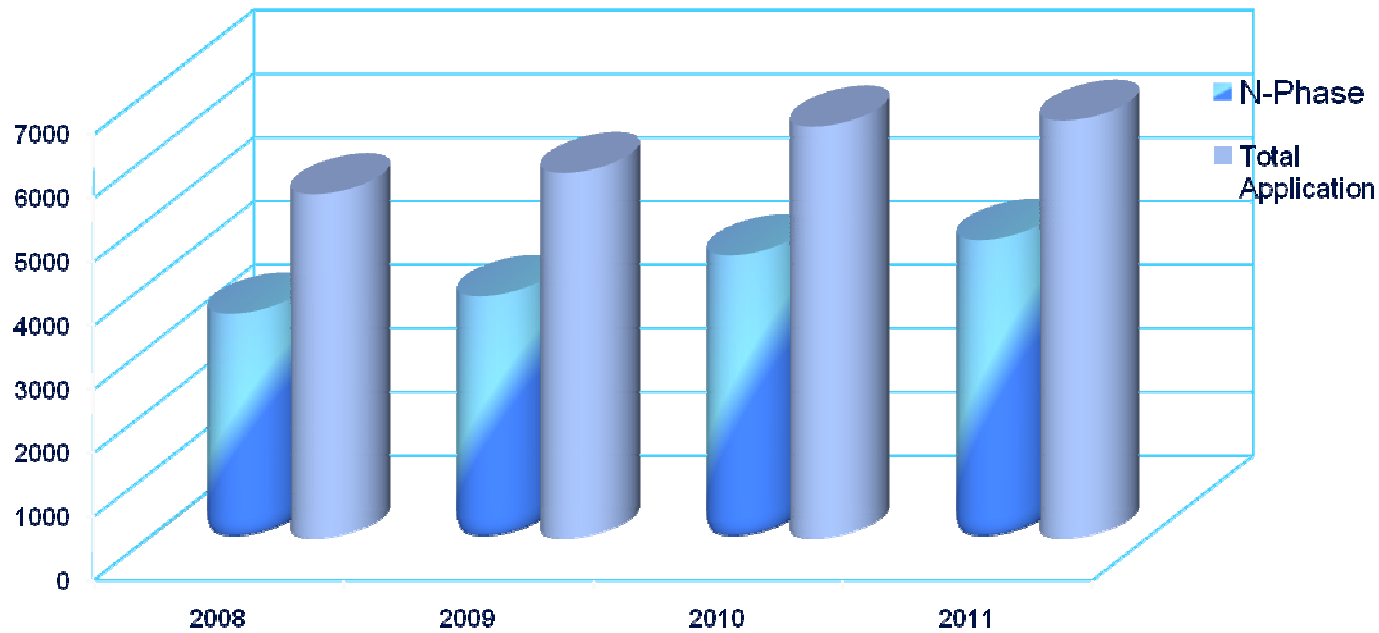
Year	2008	2009	2010	2011	2012 (Mar)
Total	200	224	334	251	73
(PCT-SAFE)	(31)	(31)	(60)	(21)	(13)

Breakdown by ISA



ISA	2008	2009	2010	2011	2012 <i>Mar</i>
AU	25	62	174	190	46
EP	49	22	16	18	10
KR	126	140	144	43	17
TOTAL	200	224	334	251	73

PCT : MY National Phase



Year	2008	2009	2010	2011
N-Phase	3,527	3,801	4,442	4,684
Total App.	5,403	5,737	6,464	6,559

Top Filers

Most Applications Filed (PCT-RO/MY)

2011	<ul style="list-style-type: none">• MIMOS• Universiti Sains Malaysia (USM)
2010	<ul style="list-style-type: none">• MIMOS• Universiti Sains Malaysia (USM)
2009	<ul style="list-style-type: none">• MIMOS• Universiti Putra Malaysia (UPM)
2008	<ul style="list-style-type: none">• MIMOS• Universiti Putra Malaysia (UPM)

Experience of a PCT user in Malaysia



MIMOS BERHAD

(A non-profit ICT and semiconductor research institution under
the Ministry of Science, Technology and Innovation,
Malaysia)

MIMOS Berhad has adopted the PCT application route since 2008. The PCT system has enabled MIMOS to improve the quality of research based on the feedback reported in the International Search Report (ISR).

Amongst the PCT services, the ISR has been one of important indicators to decide on the optimal protection strategy for each of the patent application.

The ISR has also been used as a benchmark to improve the in-house IP management process and evaluation standards to ensure that the protection of the intellectual properties are in accordance with the requirements of the Malaysian patent regulations.

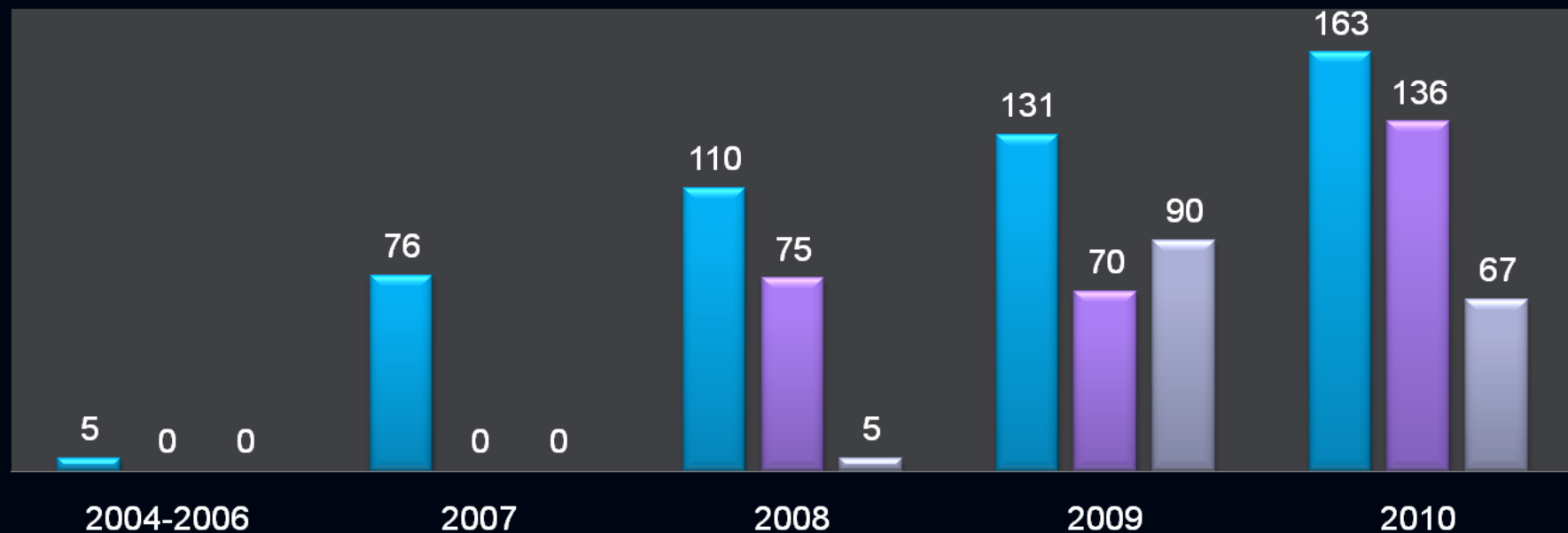


Experience of a PCT User in Malaysia

The published ISR has been used as a guide to proceed with patent examination in Malaysia and to decide whether to choose the expedited substantive examination track or the normal substantive examination track.

MIMOS Patent Application Data

■ Filed in Malaysia ■ PCT application ■ Published PCT application



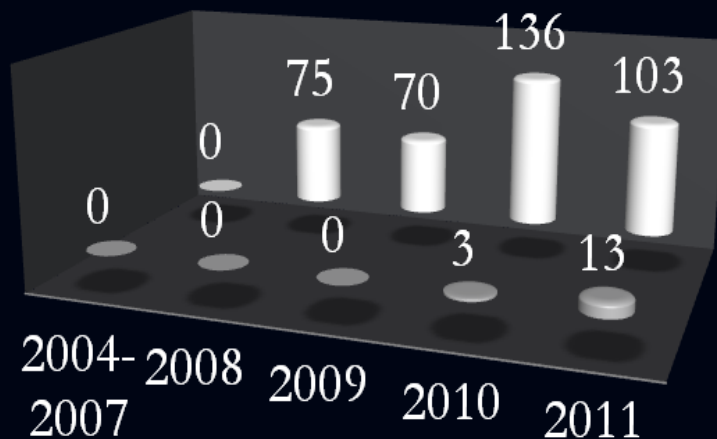


Advantages of Published PCT ISR

- The published PCT ISR enables an applicant to choose the best route to seek substantive examination at the national phase either in Malaysia or other designated countries.
- The PCT ISR also enables an applicant to identify potential commercialization opportunities for the respective patents.

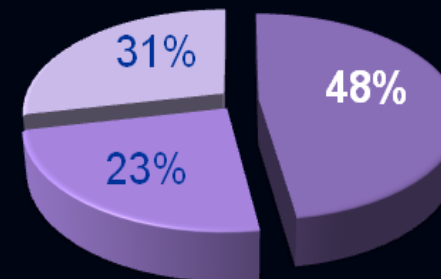
PCT v. Patent Granted in Malaysia

■ Patent Granted ■ PCT application



Patentability criteria based on PCT ISR (2008-2011)

- Novel & Inventive
- Not novel & not inventive
- Novel & not inventive





Other benefits of PCT and challenges

Other Benefits:-

1. Higher positive PCT ISR reports will provide a higher citation opportunity for the organization. This will increase the reputation and hence, recognition either in the respective field of technology or in the respective industry, territory or region.
2. Higher numbers of positive PCT ISR reports and an increase in published patents will enable the organization to seek investments and collaborations.
3. Higher PCT applications and published applications will enhanced the country's innovation index and increase investment opportunities.

Challenges:

1. PCT ISA cost increment on an average of 2 times or more a year affects the management cost for filing via the PCT route.
2. (With due respect,) the Quality of ISR varies between ISAs and this affects the national phase filing process due to additional requirements of the respective country's national phase patent examination expectation for thorough ISR.

Awareness Program

1. Intellectual Property Training Centre (IPTC) – Planning and Implementation of Effective IP Education Programs
2. Public Relation Unit (PRO) – Public-Private Partnership for Public Awareness Program, enhance IP awareness
3. Public Outreach and Information Dissemination – to assist inventors to patent their inventions, Maintain their patent – safeguard the rights of the patentee
4. Collaborations with Government agencies, Industries/SMEs and NGOs
5. Programs – exhibitions, road shows and publications

Awareness Program

Smartpartnership on awareness program with industries, R&D , universities & NGOs



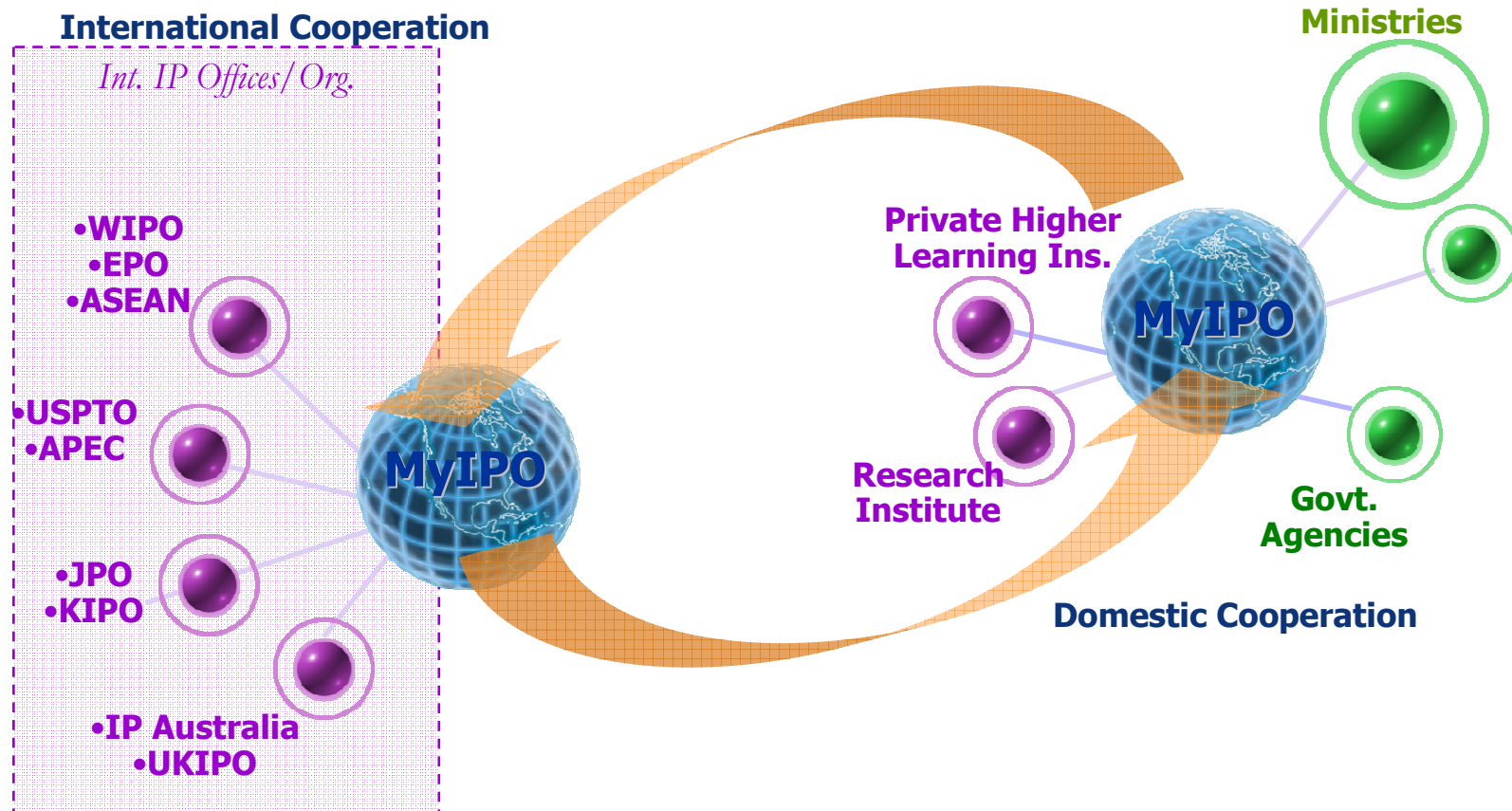
Cooperation

Modernisation of PCT system (automation) : Future Plans



Partnership

... growing international and domestic linkages



THANK YOU

MyIPO website :
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