

MY– MALAYSIA

Intellectual Property Corporation of Malaysia (MyIPO)
Unit 1-7, Ground Floor
Tower B, Menara UOA Bangsar
No. 5, Jalan Bangsar Utama 1
59000 Kuala Lumpur
Malaysia

Telephone: (603) 22 99 8400
Telefax/telex : (603) 22 99 8989

E-mail: ipmalaysia@myipo.gov.my
Internet: <http://www.myipo.gov.my/>

1. Requirements for Deposit

The deposit of sample of a micro-organism shall be made if an invention involves a micro-organism which is not available to the public and cannot be described in the patent application in such a manner as to enable the invention to be carried out by a person having ordinary skill in the art.

(Section 26C(1) of the Patents Act 1983)

2. Time of Deposit

A sample of such micro-organism shall be deposited by the applicant or any other person not later than the filing date of the patent application.

(Section 26C(1) of the Patents Act 1983)

3. Duration of Storage

A deposited micro-organism shall be stored for a period of thirty years from the date of deposit or five years from the date of request to furnish a sample of the deposited micro-organism, whichever is the later.

(Rule 9.1 Budapest Regulations)

4. Conditions for the Furnishing of Samples

(i) Time of Availability of Samples

A sample of deposited micro-organism is available upon request by any person after publication of patent application or international application entering Malaysia, as the case may be. Such request shall be accompanied with certification from the Registrar of Patents.

(Section 26C(5) of the Patents Act 1983 and Regulation 12C(1) and (2) of the Patents Regulations 1986)

In addition, a sample of deposited micro-organism is also available upon request by any person before publication of patent application or international application entering Malaysia, as the case may be. Such request shall be accompanied with authorization from the depositor.

(Rule 11.2 Budapest Regulations)

Restrictions Concerning the Furnishing of Samples

Before making a request for a sample of a deposited micro-organism, a person who intends to do so shall make an application to the Registrar of Patents for a certification.

(Section 26C(5) Patents Act 1986 and Regulation 12C(1) Patents Regulations 1986)

No certification of Registrar shall be issued if the patent application involving the deposited micro-organism —

- (a)* has been abandoned, withdrawn, deemed to be withdrawn or refused before the publication of patent application or international application entering Malaysia;
- (b)* contains any information which contravenes public order or morality;
- (c)* appears to the Registrar to be against national interests or national security.

(Section 26C(5) Patents Act 1986 and Regulation 12C(3) Patents Regulations 1986)

The sample of deposited micro-organism shall be used within the ambit of section 37 of the Patents Act 1983

(Section 37 Patents Act 1983)