



**PERBADANAN HARTA INTELEK MALAYSIA
INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA**

Introduction to Intellectual Property

BY AZRI ROSLAN

Disclaimer

The following slides have been compiled for this seminar regarding intellectual property system in Malaysia. Every effort has been made to ensure that the information is accurate and up-to-date; however, as the practices and laws may change from time to time, that is not always possible.

The speaker makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information, and expressly disclaims any liability, loss or risk, personal or otherwise, which is incurred as a consequence, directly or indirectly, of the use and application of any of the content of this seminar.

Azri Roslan
Assistant Director,
Business Development and Marketing Division,
Intellectual Property Corporation of Malaysia (MyIPO)



Presentation Structure

- About MyIPO
- What is Intellectual Property
- Patent for Innovations
- Trade Mark for Brand
- Industrial Design for the Article Design
- Copyright for Creative Works
- Geographical Indication
- Integrated Circuit Layout Design
- Summary of Intellectual Property Rights
- Training provided by IP Academy

Intellectual Property Corporation of Malaysia



- Known also as MyIPO
- Statutory body under the Ministry of Domestic Trade and Consumer Affairs since March 3, 2003
- Main function is to establish a strong and effective administration of Intellectual Property Legislation in Malaysia



ORGANIZATION CHART

MINISTRY OF DOMESTIC TRADE AND COST OF LIVING

YB DATUK ARMIZAN BIN MOHD ALI
MINISTER

YB SENATOR PUAN HAJAH FUZIAH BINTI SALLEH
DEPUTY MINISTER

YBHG. DATU' SERI MOHD SAYUTHI BIN BAKAR
SECRETARY GENERAL (MAIN PTD A)

YBHG. DATUK NOR AZMAH BINTI ABDUL AZIZ
KAMAL BIN KORMIN
HEAD OF DIRECTOR
ISKANDAR BIN ISMAIL
CHIEF EXECUTIVE OFFICER

YBHG. DATUK ROZIAH BINTI ABUDIN
DEPUTY SECRETARY GENERAL DEVELOPMENT OF DOMESTIC TRADE (PTD JUSA B)

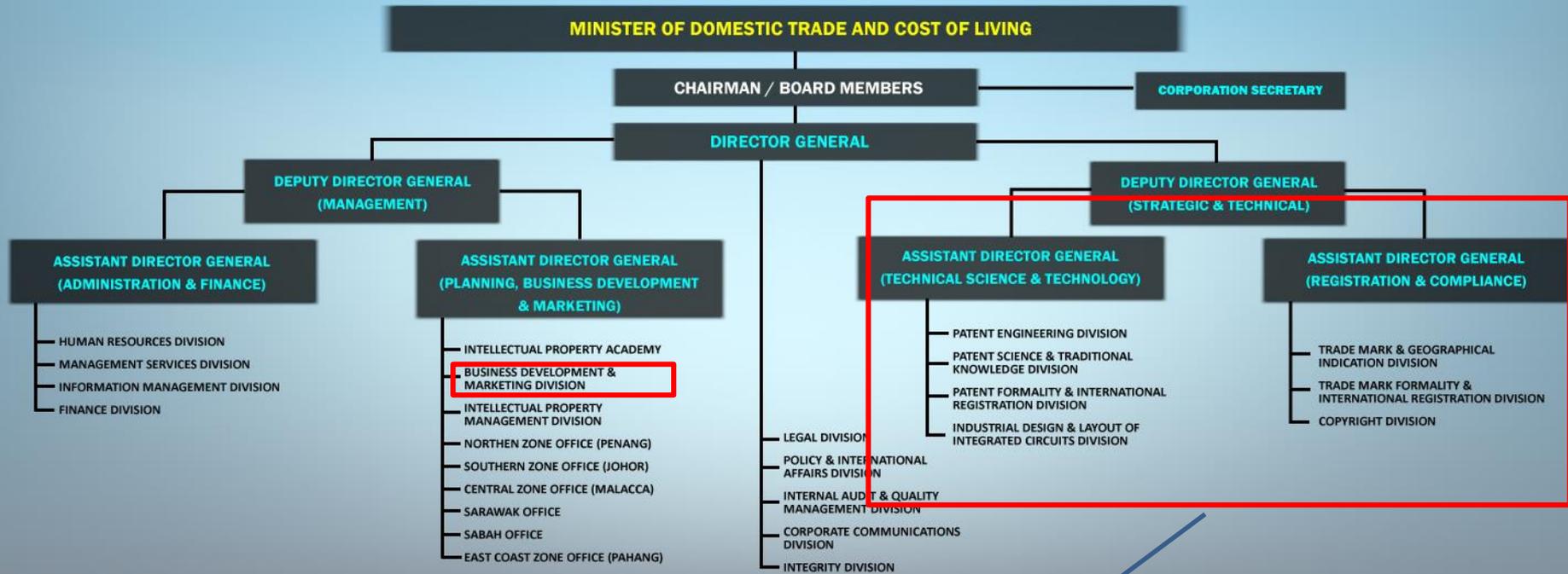
YBHG. DATU' ZAKARIA BIN SHAABAN
DEPUTY SECRETARY GENERAL CONSUMER EMPOWERMENT (PTD JUSA B)



KPDN NEGERI



Organization Chart of MyIPO



Operational Divisions



MyIPO as a Registration Body for Intellectual Property Rights

- Register Vehicles -



- Register Company -



- Register Intellectual Property Rights -



Intellectual Property Corporation of Malaysia



Menara MyIPO

**PT11(Lot 8) & Lot 12, Persiaran Barat,
Section 52, Bandar Petaling Jaya,
Petaling District, Petaling Jaya,
Selangor**

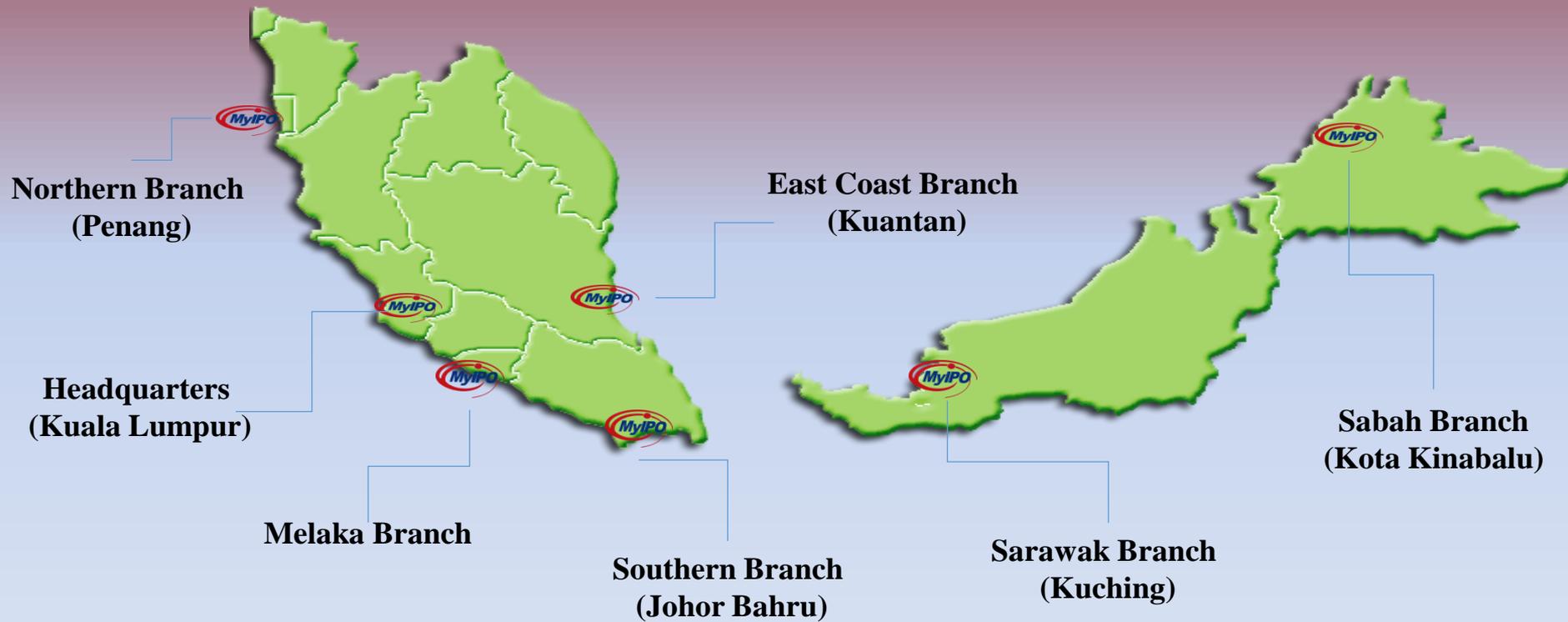


KEMENTERIAN PERDAGANGAN DALAM NEGERI,
DAN HAL EHWAL PENGGUNA



PERBADANAN HARTA INTELEK MALAYSIA
INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA

Intellectual Property Corporation of Malaysia



What is Intellectual Property?

Concept of Property

Example: House, land, vehicle....*

The owner of the **property** has the **right** to:

- Use the **property** for any purpose whatsoever, provided it does not violate the law
 - Example: **vehicle** and **house** can be **sold** or **leased**
- Prohibit / exclude others from using the **property**
 - Example: prohibit construction of foreign building on your own land

*Usually tangible

Concept of Intellectual Property

Intellectual property shares **similar** concept of ownership, the owner of the **intellectual property** has the **right** to:

- Use the **intellectual property** for any purpose whatsoever, provided it does not violate the law
 - Example: You can **transfer the rights** (sell) of your patent/trademarks to others and you can also **license out** (leased) them.
- Prohibit / exclude others from using the **intellectual property**
 - Example: Take court action against your patents/trademark infringer

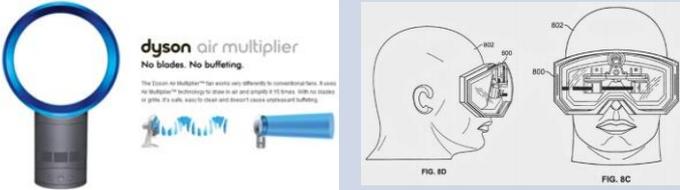
*Provided that the inventor/creator/owner of the **intellectual property** has obtain the **ownership** for the **intellectual property**

What is Intellectual Property?

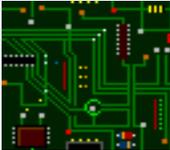
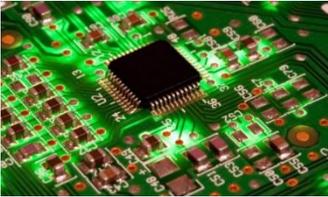
Intellectual property (IP) refers to **creations of the mind**

- Property created by the application of human mind
- Intangible in nature
 - Unable to be touched; not having physical presence
- Creators of intellectual property can obtain **ownership rights** to their creations
- Ownership of **intellectual property rights** can be **transferred** (sold) or **licensed** (leased)
- Consists of a few components

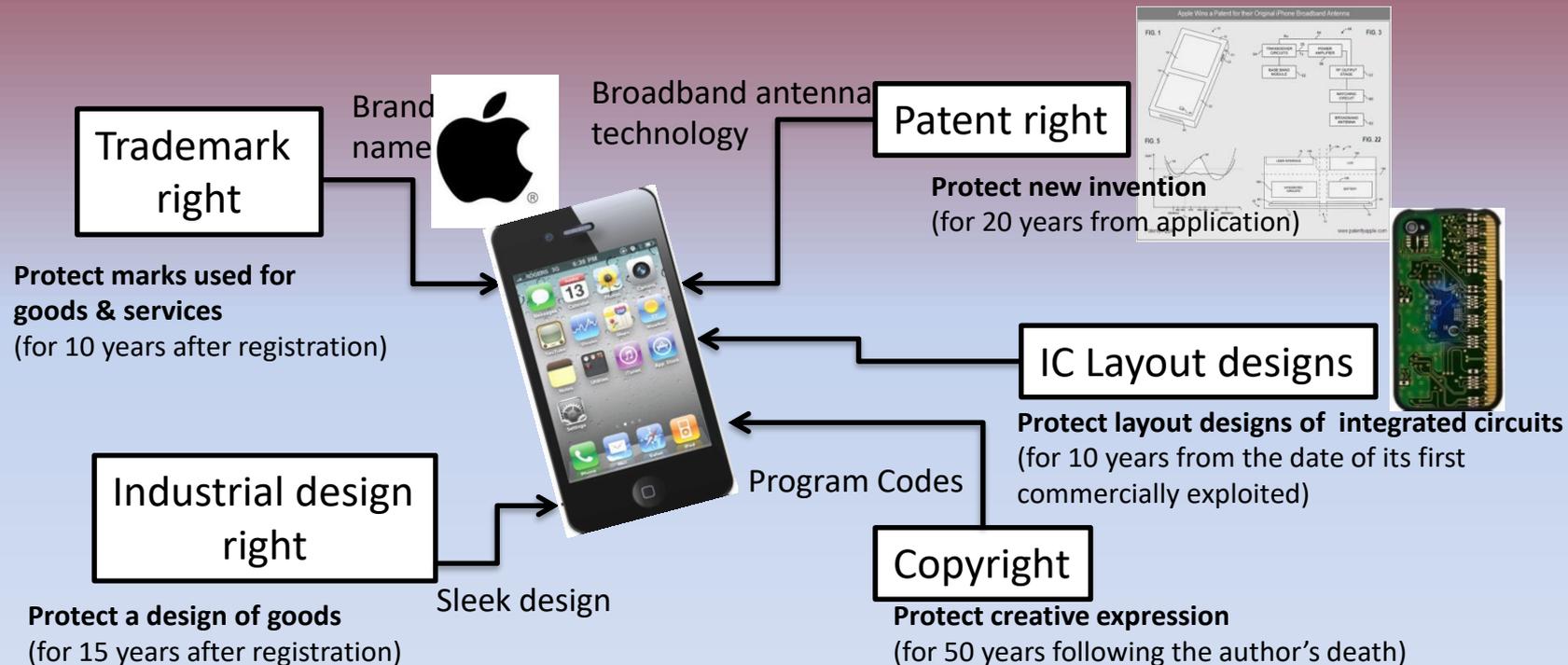
Types of Intellectual Property (1)

Types of Intellectual Property	Subject matter	Example
Patent & Utility Innovation	Inventions i.e. solutions to solve technical problem	 <p>The image shows a Dyson Air Multiplier fan on the left. To its right is a technical diagram of a face mask with various parts labeled with numbers like 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200. The diagram is labeled FIG. 8D and FIG. 8C.</p>
Industrial Design	Visual design of Objects	 <p>The image shows three examples of industrial design: a modern chair with a blue and purple seat and a silver base, a yellow and red floral pattern, and a black computer mouse with a colorful, intricate design.</p>
Trademarks	Sign used to identify products or services from others	 <p>The image shows two trademarks: the Proton logo, which is a shield-shaped emblem with a green and gold design, and a stylized 'M' logo with horizontal lines in blue, yellow, and red.</p>
Copyright	Literary, Musical and Artistic Works; Films; Sound Recordings; Broadcast; Derivative Works	 <p>The image shows four examples of copyright: a collection of books including 'The Koontz', 'The Dark Secret of Mea', 'The Country', 'The Nelson', and 'The Dorian'; the Mona Lisa painting; a movie poster for 'Akh Bala Bala'; and a snippet of musical notation.</p>

Types of Intellectual Property (2)

Types of Intellectual Property	Subject matter	Example
Geographical Indication	Sign used on products that have a specific geographical origin	  
Layout-design of an integrated circuit	Topography or 3D disposition of microchips	  
New Plant Varieties	IP rights given to the breeder of a new plant variety	  
Trade Secrets @ Confidential Information	Know-how, technical data, recipe etc.	<p data-bbox="1074 1165 1416 1265">Coca-Cola recipe, WD-40 Formula</p>  

Various Types of Intellectual Property in a Single Product



Governing bodies of Intellectual Property in Malaysia

Intellectual Property Corporation of Malaysia (MyIPO)

- Patent Registration - Patents Act 1983
- Trade Marks Registration - Trade Marks Act 2019
- Industrial Design Registration - Industrial Design Act 1996
- Geographical Indication Registration - Geographical Indication Act 2000
- Copyright Act 1987
- Layout Design and Integrated Circuit Act 2000



Department of Agriculture, Ministry of Agriculture & Agro-Based Industry

- Protection of New Plant Varieties Act 2004



Enforcement Division, Ministry of Domestic Trade and Consumer Affairs

- Enforcement of Trade Marks & Copyrights items



HOW GPS WORKS



ANDROID



Overview of Patent

PATENTS ACT & REGULATION

Patents Act 1983

- Latest amendment in 2022**
 - Deposition of micro-organism**
 - Introduction of post grant opposition**
 - Introduction of third party observation**

Patent Regulation 1986

- Latest amendment in 2022**



Function of Patent

To Protect **INVENTIONS**, different compared to:

- Protecting Literary, Musical and Artistic Works – **COPYRIGHT**
- Protecting the shape of an article/product – **INDUSTRIAL DESIGN**
- Protecting Brand Name – **TRADE MARK**



Definition of “Invention” (Section 12 of Patents Act)

- "An **idea** of an **inventor** which permits in practice the **solution to a specific problem** in the field of **technology**"
- An invention may be or may relate to a **product** or **process**.



Definition of “Invention” (Section 12 of Patents Act)

- Example of a products that are **not** considered as **inventions**:
 - A painting with interesting features based on the effects of color and artistic effects
 - A water bottle consists of flowery embossed design on the body of the bottle.

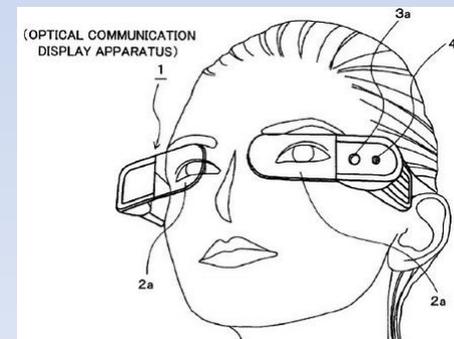
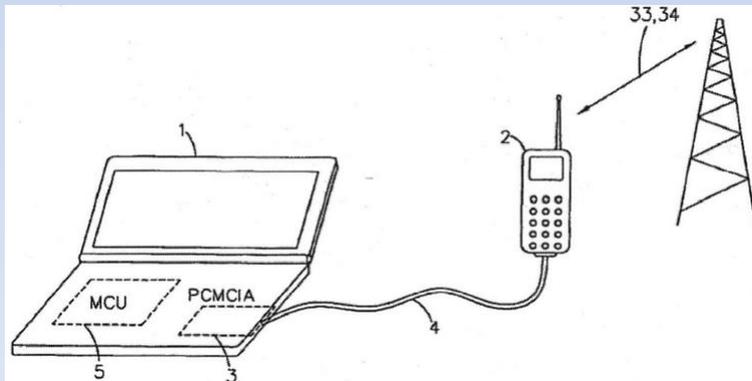
Not a solution in the field of technology – therefore, not an Invention!

What is Patent?

- A patent is an exclusive right granted for an invention

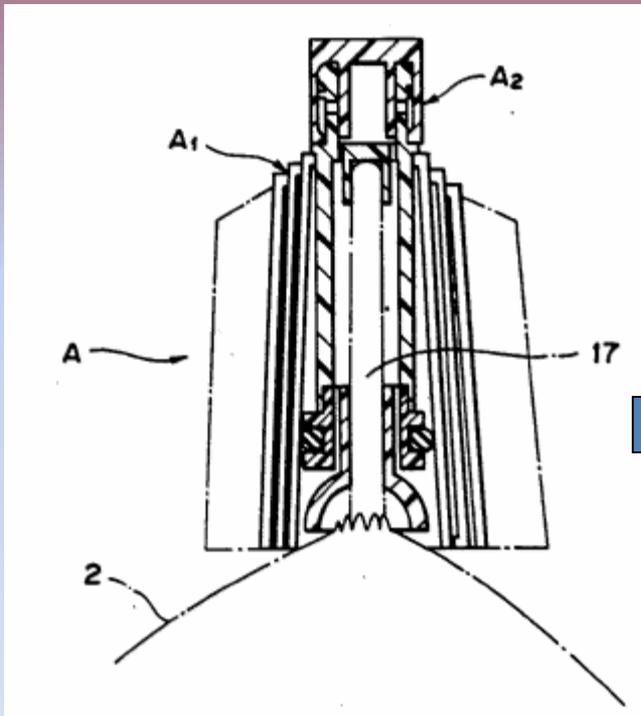
Term of Protection:

- 20 years from filing date
 - Subject to payment of renewal fee every year



Example of Patentable Invention

Technical solution to a problem...

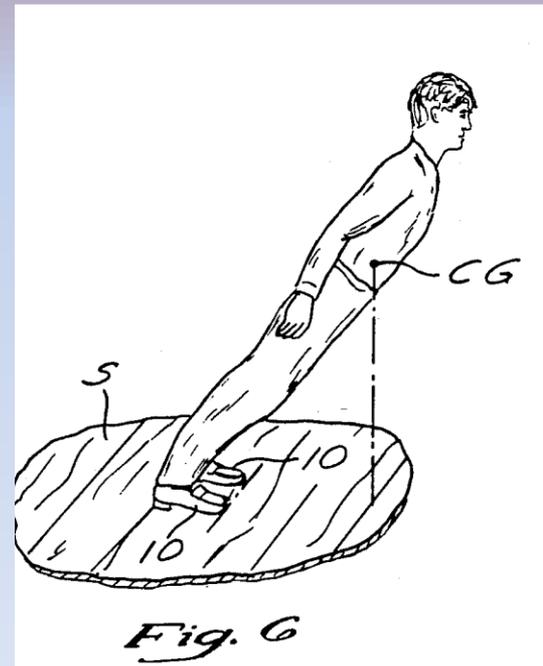
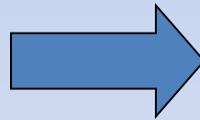
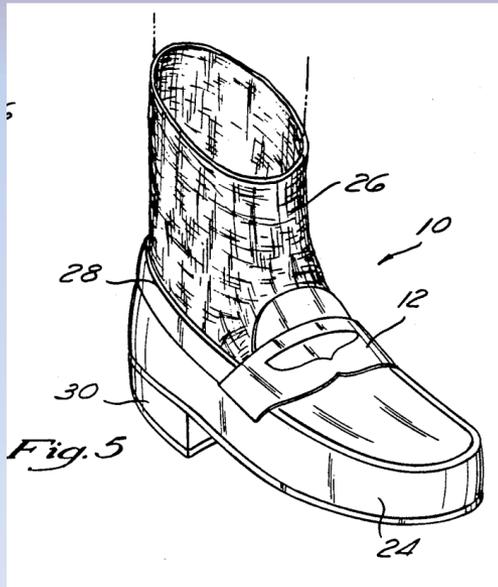


“Umbrella Cover”

US-A 5,135,017 (04 August 1992)
Tokyo Nagai Co. Ltd (JP)

Example of Patentable Invention

Technical solution to a problem...



Example of Patentable Invention

Michael J. Jackson, L
Michael L. Bush; Denn

United States Patent [19]
Jackson et al.



US005255452A

[11] **Patent Number:** 5,255,452
[45] **Date of Patent:** Oct. 26, 1993

[54] **METHOD AND MEANS FOR CREATING ANTI-GRAVITY ILLUSION**

[75] **Inventors:** Michael J. Jackson, Los Angeles; Michael L. Bush; Dennis Tompkins, both of Hollywood, Calif.

[73] **Assignee:** Triumph International, Inc., Los Angeles, Calif.

[21] **Appl. No.:** 905,479

[22] **Filed:** Jun. 29, 1992

[51] **Int. Cl.⁵** A43B 5/00; A43B 3/00

[52] **U.S. Cl.** 36/113; 36/1; 36/136; 36/80; 36/132

[58] **Field of Search** 36/1, 80, 103, 113, 36/114, 131, 132, 136; 482/70, 71, 105

[56] **References Cited**
U.S. PATENT DOCUMENTS

1,059,284	4/1913	Dennis	36/114
2,114,790	4/1938	Venables	36/132
2,473,099	6/1949	Hatch	36/1

3,889,399	6/1975	Emrich	36/1
4,445,287	5/1984	Garcia	36/114
4,538,480	9/1985	Trindle	36/131
4,645,466	2/1987	Ellis	36/132
4,762,019	8/1988	Beyl	36/131
4,882,858	11/1989	Signori	36/131
5,042,173	8/1991	Blizzard et al.	36/113

Primary Examiner—Steven N. Meyers
Assistant Examiner—M. Denise Patterson
Attorney, Agent, or Firm—Drucker & Sommers

[57] **ABSTRACT**

A system for allowing a shoe wearer to lean forwardly beyond his center of gravity by virtue of wearing a specially designed pair of shoes which will engage with a hitch member movably projectable through a stage surface. The shoes have a specially designed heel slot which can be detachably engaged with the hitch member by simply sliding the shoe wearer's foot forward, thereby engaging with the hitch member.

13 Claims, 4 Drawing Sheets

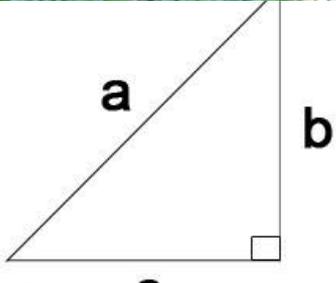
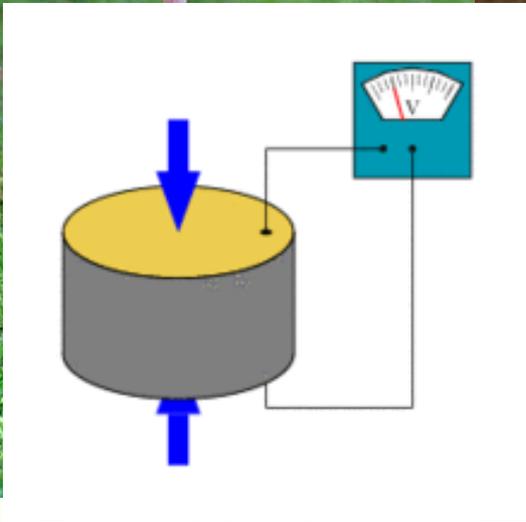
Criteria for Patentability

1. Falls under the **“Meaning of Invention”**
2. Excluded from **“Non-patentable Inventions”**
3. **“Novelty or New”**
4. **“Inventive Step”**
5. **“Industrial Applicable”**

1. “Meaning of Invention”

- "An **idea** of an **inventor** which permits in practice the **solution to a specific problem** in the field of **technology**"

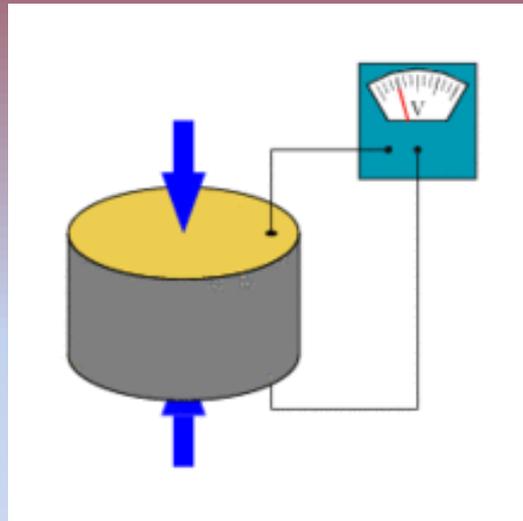




$$a^2 = b^2 + c^2$$
$$b^2 = a^2 - c^2$$
$$c^2 = a^2 - b^2$$

2. Non-patentable Inventions

Discovery



Piezoelectric: A material that generates an electric charge when mechanically deformed. Conversely, when an electric field is applied to piezoelectric materials they mechanically deform. **Inorganic crystals** are the strongest piezoelectrics but polymer films such as PVDF have some piezo effect.

Discovery

NANODEVICE POWERED BY MOTION

Soon, simply walking or running with your iPod in your pocket could keep it powered and pumping tunes.



By Eric Bland
Fri Apr 23, 2010 06:34 AM ET
(1) Comments | Leave a Comment

FORTIGUARD Web F



A new piezoelectric device uses 20,000 zinc oxide nanowires to convert motion into electricity.
Getty Images

THE GIST:

- Tapping the power of motion, scientists generate 1.26 volts of electricity.
- They created the first device to produce practical amounts of power from piezoelectronics.
- The power output could quickly jump high enough to power iPods and cell phones.

Every move you make, every step you take, you can generate electricity. By cramming 20,000 nanowires into three square centimeters, scientists from Georgia Tech have created the world's first device powered solely by piezoelectric materials.

A piezoelectric material is something that, when pushed or pulled, generates a mild electrical charge. Within three to five years piezoelectric nanowires, woven into a cotton shirt or housed in a shoe heel, could charge a cell phone or laptop battery after even a short walk.

"This is a key step to designing technology that will be useful in the near future," said Z.L. Wang, a professor at Georgia Tech and co-author of two new papers in *Nature Nanotechnology* and *Advanced Materials*.

Quartz and cane sugar crystals are common piezoelectric materials; when pressure is applied, a very small electrical current is produced. Over the last five to six years, however, scientists have worked with cheap zinc oxide and powerful lead zirconate titanate or PZT.

While the power generated from these materials has steadily risen into the millivolt range, it hasn't yet produced enough power to actually power a device. Now, according to the two new papers published by Wang's group at Georgia Tech, piezoelectrics can generate voltages up to 1.26 volts, and soon will produce voltages much higher than that.



Piezoelectric generator creates power from shoes

By Jude Garvey
23:11 April 29, 2010

9 Comments



Could a tiny piezoelectric generator provide convert enough energy from walking to power your mobile devices?

Could walking or running generate enough energy to power your cell phone or GPS device? Dr. Ville Kaajakari has developed an innovative piezoelectric generator prototype small enough to be embedded in the sole of a shoe that's designed to produce enough power to operate GPS receivers, location tags and eventually, even a cell phone.

Harnessing kinetic energy is not without its challenges because it's difficult to generate enough energy to power today's applications. That's where Kaajakari's invention - which has recently been featured in the *MEMS Investor Journal* - comes in.

The shoe generator uses a low-cost polymer transducer with metalized surfaces for electrical contact. Traditionally, ceramic transducers are hard and therefore unsuitable to use in shoes but Kaajakari's generator is soft as well as strong so it could replace a normal heel shock absorber without loss to the user experience.

Scientific theories

- Example:
 - Big Bang Theory
 - Cell Theory
 - Atomic Theory
 - Theory of Relativity
 - Molecular Theory



$$E = mc^2$$

$$F = ma$$

Mathematical methods



Pythagorean Theorem:
 $a^2 + b^2 = c^2$

$$\sin A = \frac{a}{c} = \left(\frac{\text{opposite}}{\text{hypotenuse}} \right)$$

$$\cos A = \frac{b}{c} = \left(\frac{\text{adjacent}}{\text{hypotenuse}} \right)$$

$$\tan A = \frac{a}{b} = \left(\frac{\text{opposite}}{\text{adjacent}} \right)$$

$$c^2 = a^2 + b^2$$

Formula Sheet

Note to Student: You may use these formulas throughout this entire test. Feel free to use this Formula Sheet as needed during your testing time.

<p>Rectangle</p> <p>Perimeter $P = 2l + 2w$ $P = 2(l + w)$</p> <p>Area $A = lw$</p> <p>Parallelogram</p> <p>Area $A = bh$</p> <p>Circle</p> <p>Circumference $C = 2\pi r$ $C = \pi d$</p> <p>Area $A = \pi r^2$</p> <p>Pythagorean Theorem</p> $a^2 + b^2 = c^2$ <p>Trigonometric Ratios</p> <p>$\sin x = \frac{a}{c}$ $\cos x = \frac{b}{c}$ $\tan x = \frac{a}{b}$</p>	<p>Triangle</p> <p>Area $A = \frac{1}{2}bh$</p> <p>Trapezoid</p> <p>Area $A = \frac{1}{2}h(b_1 + b_2)$</p> <p>Rectangular Solid</p> <p>Volume $V = lwh$ Surface Area $SA = 2lw + 2lh + 2hw$</p> <p>Cylinder</p> <p>Volume $V = \pi r^2 h$</p> <p>Cone</p> <p>Volume $V = \frac{1}{3}\pi r^2 h$</p> <p>Other Necessary Information</p> <p>1 quart \approx 0.95 liters 1 inch = 2.54 centimeters 1 pound \approx 0.45 kilograms</p> <p>$^{\circ}F = \frac{9}{5}C + 32$ $^{\circ}C = \frac{5}{9}(F - 32)$</p>
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Mathematical methods

- Mathematical method which are carried out on numbers and provide a result in numerical form -> not patentable
 - E.g. a new way to calculate square roots, shortcut method of division
- Its application -> patentable
 - A calculating machine
 - Method of image processing which used the mathematical method to operate on numbers representing an image

Animal Variety



An Israeli geneticist, Avigdor Cahaner, created the world's first featherless chicken at the genetics faculty at the Rehovot Agronomy Institute near Tel Aviv, Israel. The idea behind the development of this naked bird is that it will create a more 'convenient' and energy efficient chicken which can live in warm countries where feathered chickens don't do well and cooling systems are too expensive to be commonly affordable.

Animal Variety



A photo provided by the Zoo Safari and Hollywoodpark Stukenbrock shows the zebra and horse crossbreed. Ecluse, crossbreed filly was born in 2006. Her mother is a horse and the father is a zebra from Italy.

Plant Variety

11

jenis durian popular di Malaysia



D2 Durian Dato' Nina
Tempat daftar: Ayer Molek, Melaka
Tarikh Daftar: 1934
Ciri-ciri: Buah sederhana besar dan kulit berwarna hijau gangsa.
Isi: Tebal dan berwarna kuning keemasan.
Rasa: Lemak manis.



D24
Tempat daftar: Bukit Merah Reservoir, Perak
Tarikh Daftar: 30.11.1937
Ciri-ciri: Terdapat ruangan pangsa tidak sempurna di tengah – tengah pangsa.
Isi: Tebal dan berwarna kuning.
Rasa: Manis, sedikit pahit dan lemak.



D96 Bangkok A
Tempat daftar: PPK Serdang, Selangor
Tarikh Daftar: 12.2.1955
Ciri-ciri: Buah sederhana besar dan berwarna gangsa apabila matang.
Isi: Berwarna oren dan tebal.
Rasa: Lemak manis.



D99 Durian Kop kecil (Thailand)
Tempat daftar: 17.6.1970
Ciri-ciri: Buah sederhana besar dan bulat tetapi empak ditangki dan dihujung buah.
Isi: Berwarna kuning dan sedemana tebal.
Rasa: Manis dan iranya halus.



D123 Durian Chanee (Jenis Thailand)
Tempat daftar: Rim Nursery, Sungai Bukuh, Selangor
Tarikh Daftar: 14.7.1971
Ciri-ciri: Buah besar dan panjang dan kulit berwarna hijau keperangan.
Isi: Berwarna kuning keemasan.
Rasa: Lemak manis dan aroma kuat.



D132 Durian Eddie Special
Tempat daftar: Rim Nursery, Sungai Bukuh, Selangor
Tarikh Daftar: 28.3.1973
Ciri-ciri: Buah sederhana besar dan bulat dan kulit berwarna hijau.
Isi: Berwarna putih.
Rasa: Lemak manis dan bertekstur lembut.



D168 Durian Mas Hajah Hasmah
Mas Muar, Ioi
Tempat daftar: Muar, Johor
Tarikh Daftar: 24.5.1989
Ciri-ciri: Buah sederhana besar, bulat, kulit berwarna hijau perang.
Isi: Berwarna kuning oren.
Rasa: Lemak manis sedikit pahit dan lemak.



D160 Durian Musang Queen / Buluh Bawah / Tekka / Chok Kiok
Tempat daftar: Banting, Kuala Langat, Selangor
Tarikh Daftar: 30.6.1987
Ciri-ciri: Buah bersaiz besar, bujur panjang, ciri khas: terdapat ruangan di tengahnya.
Isi: Berwarna kuning keemasan.
Rasa: Manis sedikit pahit dan lemak.



D197 Raja Kuning / Musang King / Mao Sham Wang
Tempat daftar: Tanah Merah, Kelantan
Tarikh Daftar: 5.12.1993
Isi: Berwarna kuning terang dan biji kesep.
Rasa: Manis, sedikit pahit dan lemak.
Terdapat garisan bintang 5 yang ketara di bawah hujung pangsa.



D198 Durian Kim Hong / Golden Phoenix
Tempat daftar: Batu Pahat, Johor
Tarikh Daftar: Mar 2012
Isi: Berwarna kuning pucat / kuning krim.
Rasa: Manis, sedikit pahit dan lemak.



D7
Tempat daftar: Batu T, Jalan Kajang, Selangor
Tarikh Daftar: 1934
Ciri-ciri: Buah sederhana besar berbentuk oblong.
Rasa: Lemak manis.

Koleksi Varieti Unit Hortikultur Pahang Barat, Jabatan Pertanian / Pengenal Varieti Anak Benih Tanaman Durian, Bahagian Kawalan Kualiti Tanaman, Jabatan Pertanian

* Plant Variety is not patentable BUT can be protected under the New Plant Variety Protection Act 2004 governed the Department of Agriculture



Essentially biological processes for the production of plants or animals

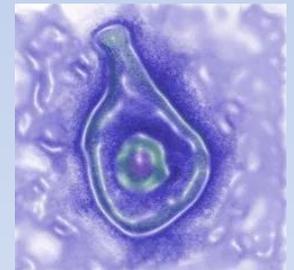
However the following items are patentable:

- Man-made living micro-organisms;
- Micro-biological processes
- Products of such micro-organism processes;

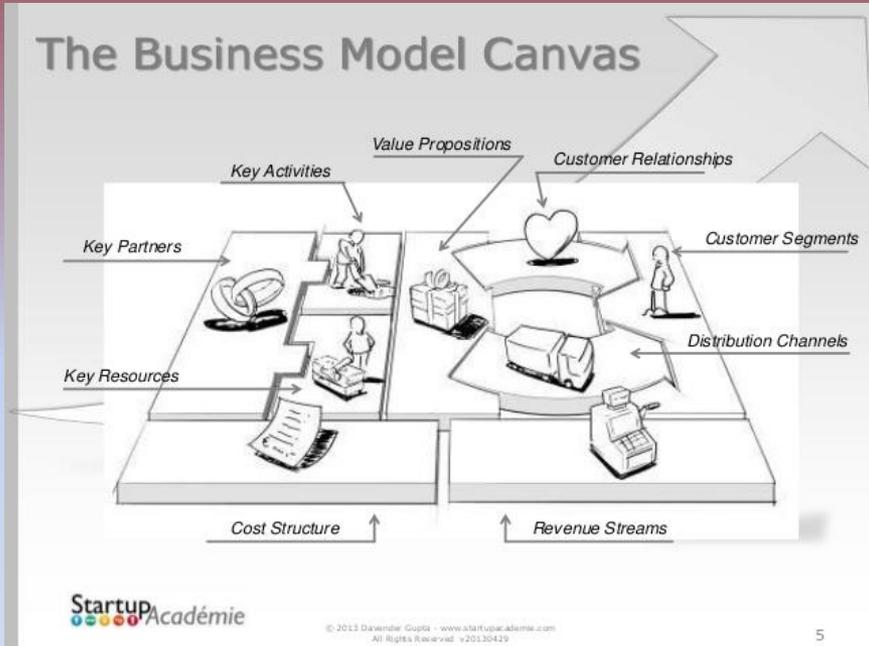


Example of Patentable items:-

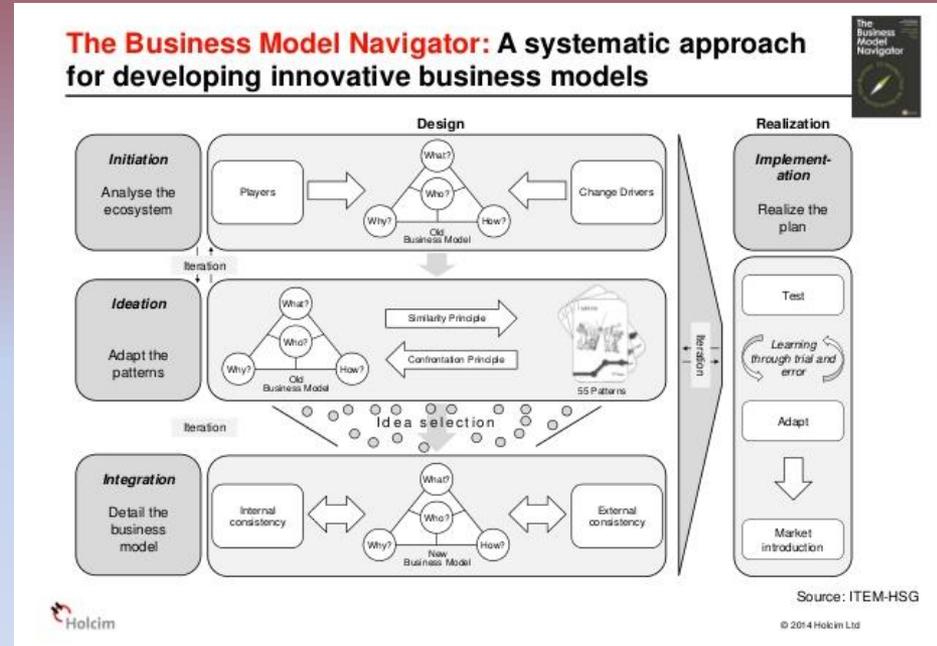
- ✓ Mycoplasma laboratorium – first synthetic genome produced in the lab
- ✓ Rumen Bacteria variants & Process For Preparing Succinic Acid - MY-148492-A (Korea Advanced Institute Of Science And Technology)



Schemes, Rules or Methods for Doing Business



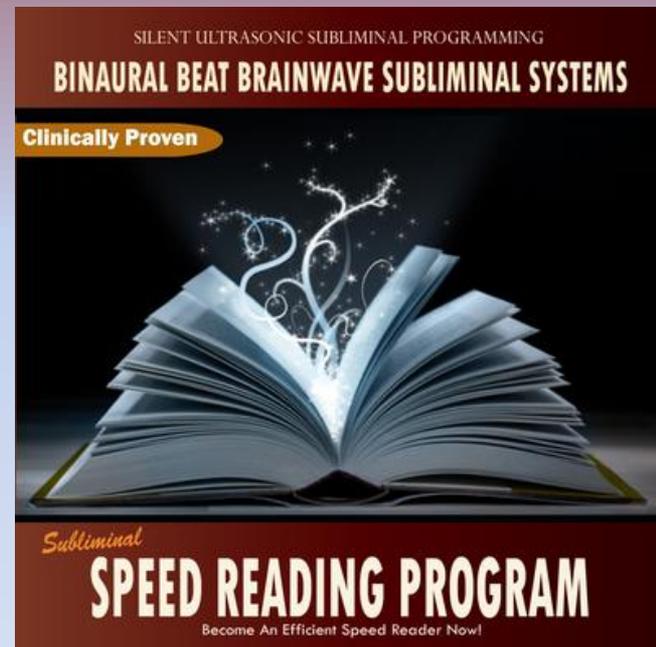
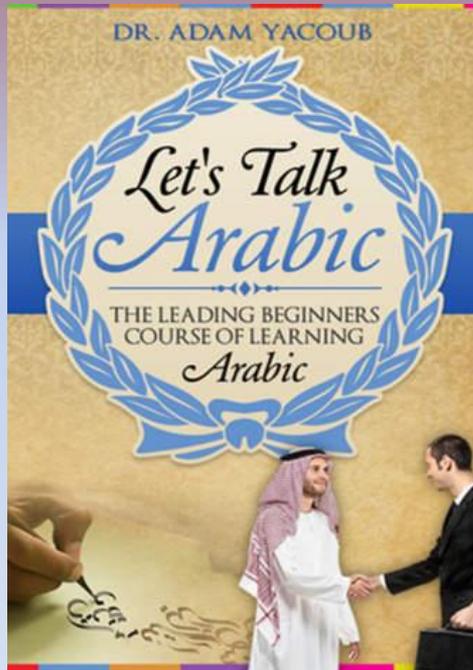
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Source: ITEM-HSG

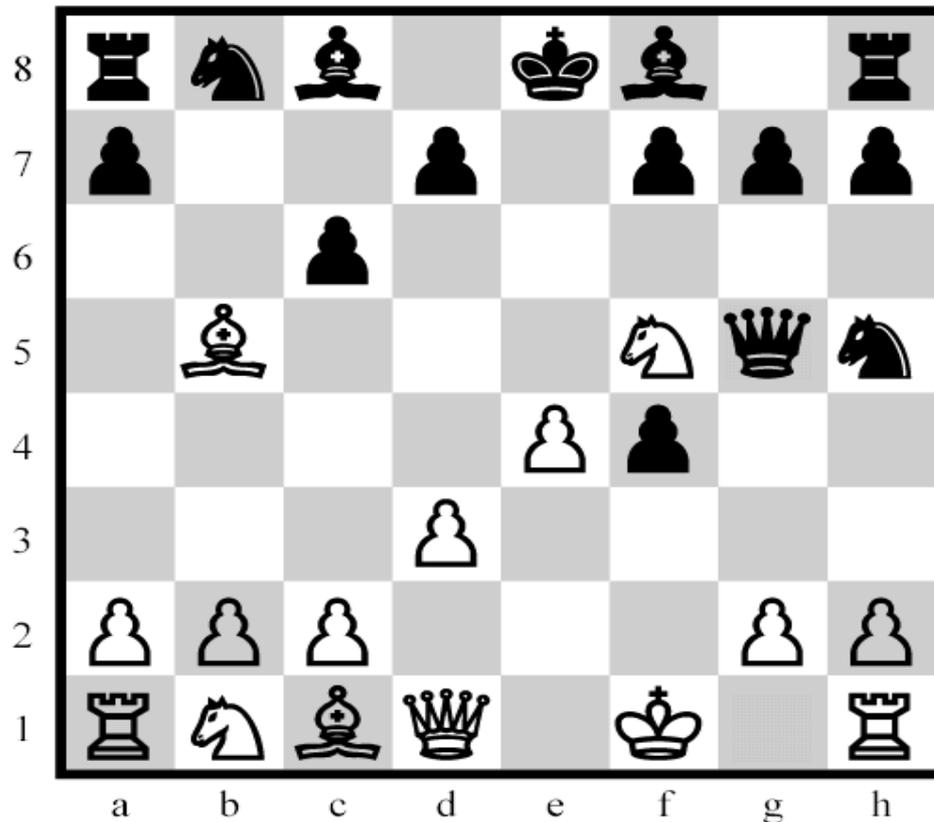
© 2014 Halcim Ltd

Schemes, Rules or Methods for Performing Purely Mental Acts



Schemes, rules or methods for playing games

The Immortal Game
London 1851



White: Anderssen, Adolf
Black: Kieseritzky, Lionel

- ▶ 14. ♔f3 ♘g8
- 15. ♙xf4 ♚f6
- 16. ♞c3 ♜c5
- 17. ♞d5 ♚xb2
- 18. ♙d6 ♜xg1
- 19. e5 ♚xa1+
- 20. ♔e2 ♞a6
- 21. ♞xg7+ ♚d8
- 22. ♚f6+ ♞xf6
- 23. ♙e7
- 1-0

Methods for the treatment of human or animal body by surgery or therapy

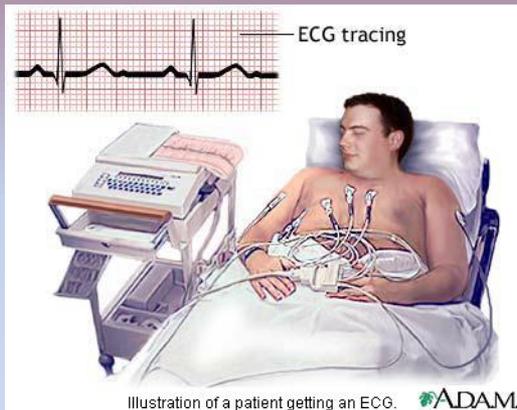


Method of performing coronary artery bypass surgery

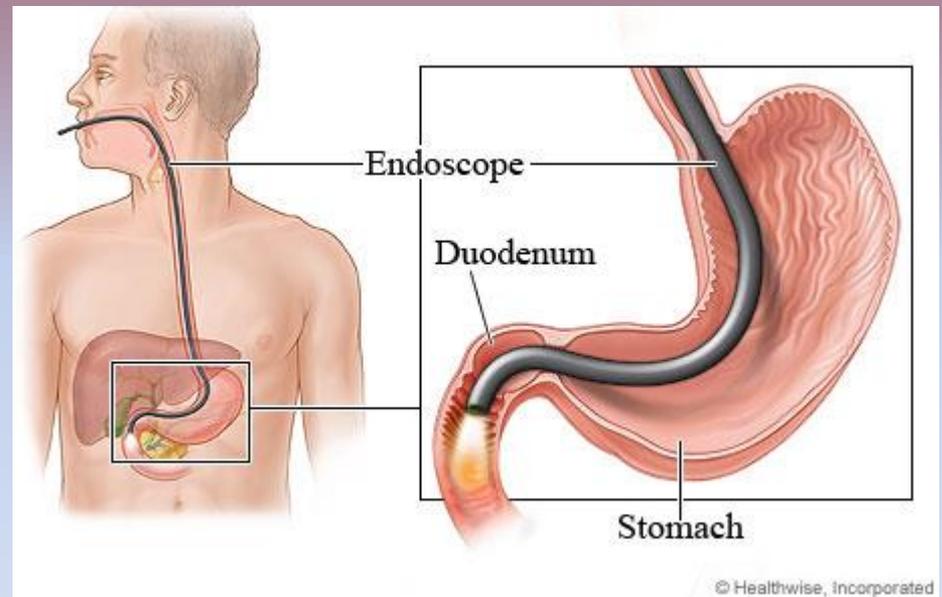


Method of performing a physical therapy

Diagnostic methods practiced on the human or animal body



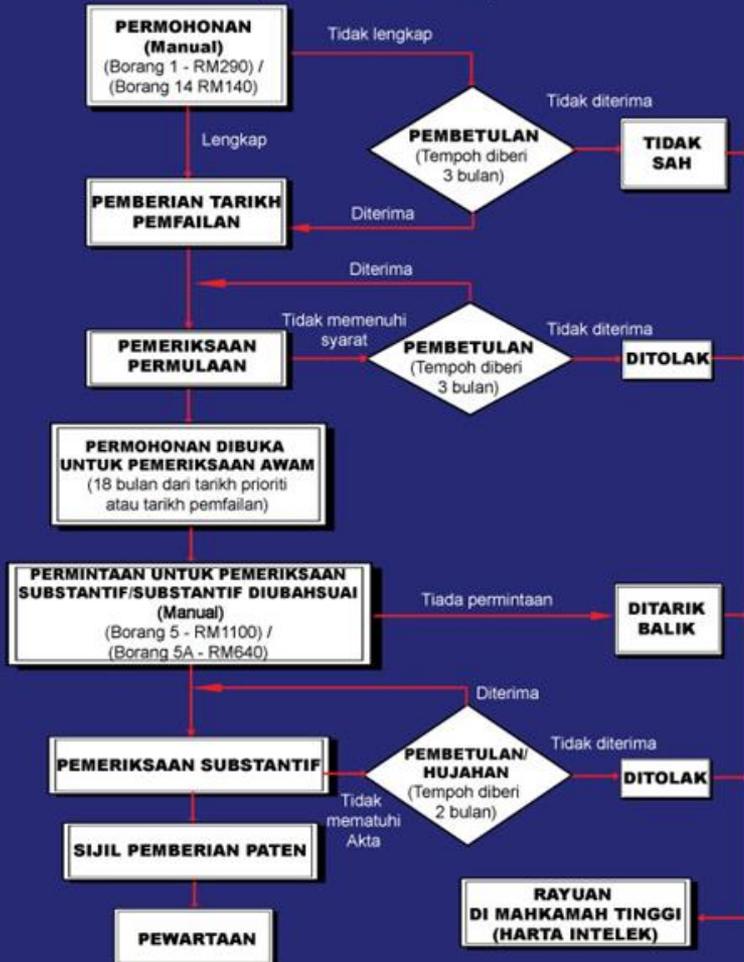
Electrocardiogram (ECG)



Endoscopy

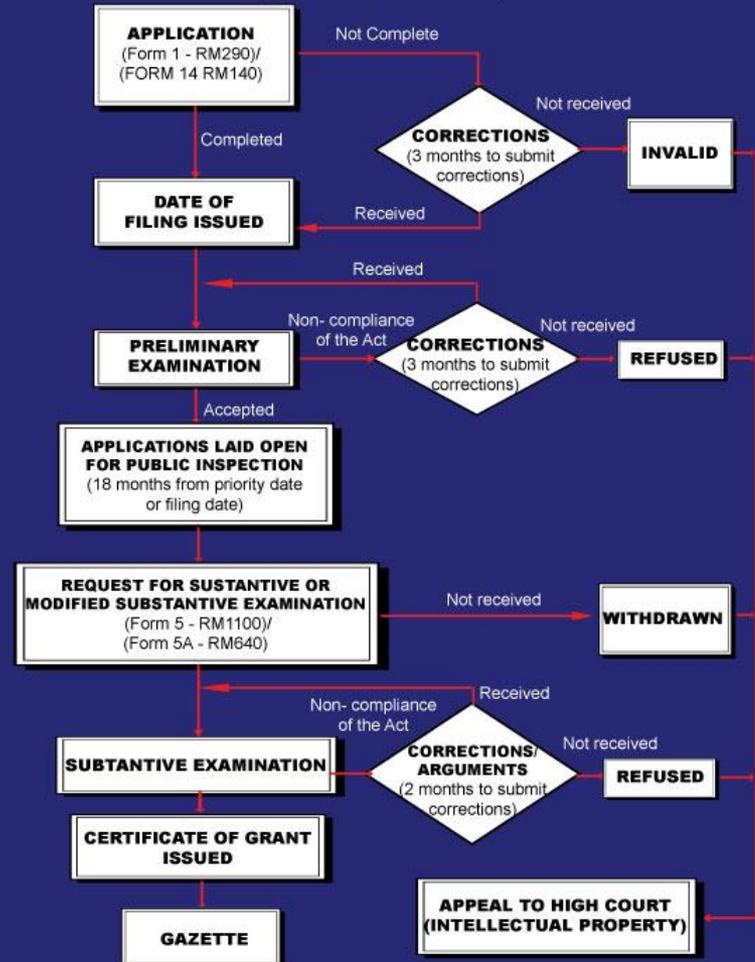
Patent Granting Procedure

CARTA ALIRAN PROSEDUR PERMOHONAN PATEN/PERBAHARUAN UTILITI (AKTA PATEN 1983)



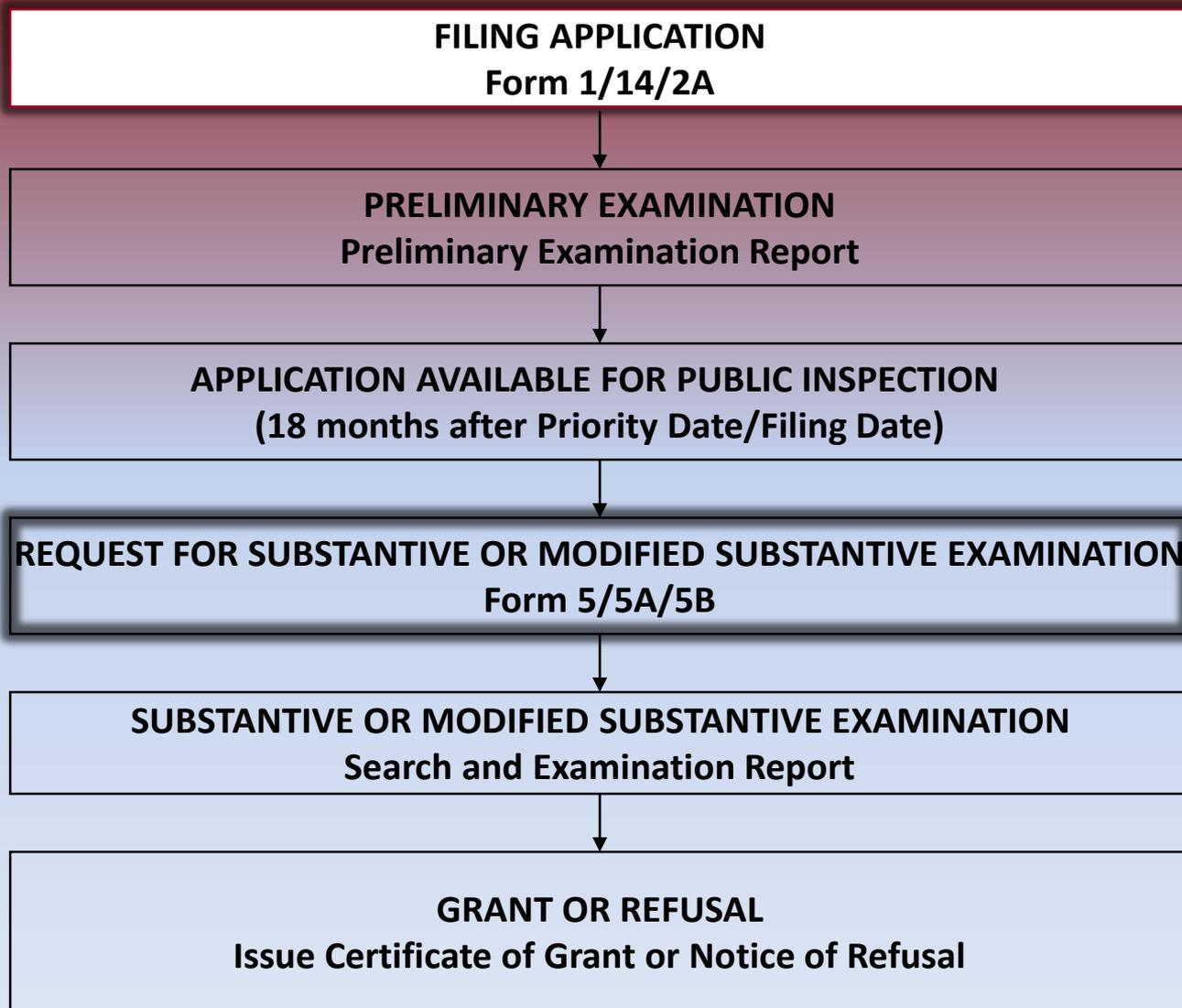
* Sila rujuk Manual Paten untuk prosedur terperinci.

FLOWCHART PATENT APPLICATION AND GRANTING PROCEDURE (PATENT ACT 1983)



* Kindly refer to Patents Regulations for details procedure.

Patent Granting Procedure



Patent & Utility Innovation (UI) Fees

	Fees
Form 1 / 14	RM290 / RM140
Form 5	RM1,100
Form 17* (if using agents)	RM100
Form 22* (if applicant is not inventor)	RM100
Handling fee	RM 40 (total pages 21-50)
Total	RM1,630 / RM1,480

Patent & Utility Innovation(UI)

Patent

- Filing form:
 - Form 1
- Specification
 - Description
 - Claims
 - Drawings
 - Abstract
- Fee (RM290)
- Submission to MyIPO Office

UI

- Filing form:
 - Form 14
- Specification
 - Description
 - 1 Claim only
 - Drawings
 - Abstract
- Fee (RM140)
- Submission to MyIPO Office

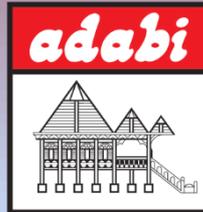


Trademarks

Trademarks

- What is **trademarks**?

- A trademark is a sign which distinguishes the goods and services of one trader from those of another.



- A sign used in relation to service in support of main trade or business.



Indicating connection between goods and services and owner in the course of trade

Trademarks

- Term of Protection:
 - valid for 10 years from the date of application and may be renewed every 10 years (10+10+10..... years)
- Will be in the name of proprietor
- Divided to 45 Classes
 - For Goods (Product): Class 1 to 34
 - For Services: Class 35 to 45



Example Classes of Trademarks

- Example for Goods:

Class 12

Vehicles; apparatus for locomotion by land, air or water.

Class 13

Firearms; ammunition and projectiles; explosives; fireworks.

Class 14

Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments.

Class 15

Musical instruments.

Class 16

- Example for Services:

Class 35

Advertising; business management; business administration; office functions.

Class 36

Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37

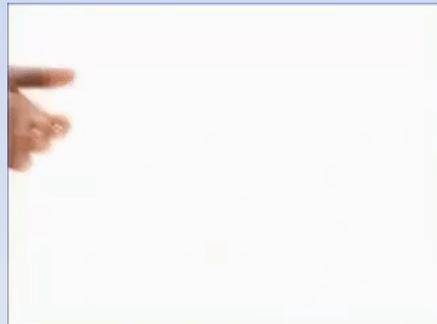
Building construction; repair; installation services.

Class 38

Source: WIPO (Nice Class.)

Trademarks

- Word
- Device
- Combination of Word and Device
- Stylized Word
- Shape of goods or packaging (3D Mark)
- Colour
- Sound 
- Scent
- Hologram
- Positioning
- Sequence of Motion
- Any combination mentioned



Trademarks

3D Mark

- Distinctive
- Associated to colour logo or combination
- Representation and description of the application

Industrial Design

- Must be novel
- Based on appearance (views in application)
- Not associated to a distinctive sign, such as colour, logo or combination.

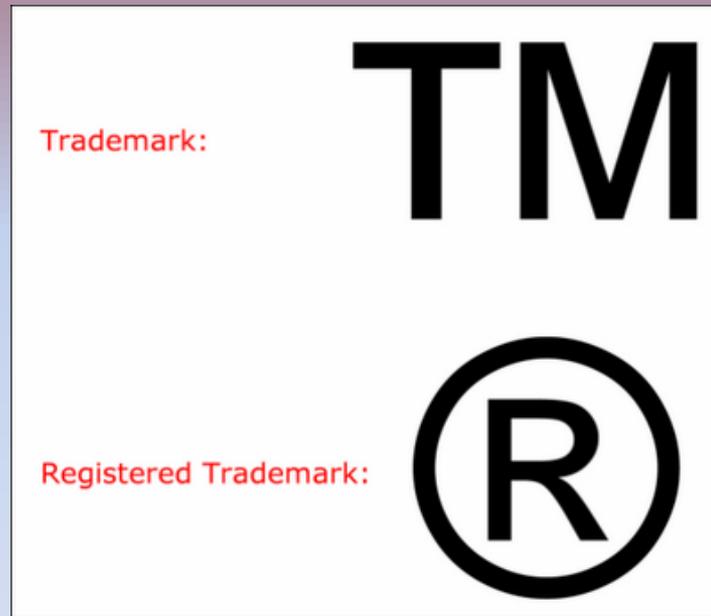
Trademarks

- **Absolute Refusal of registration** for trademarks:
 - **Not capable of distinguish** goods or service of one trader to another
 - **Devoid** of any **distinctive** character
 - **Referring or indicating to** kind, quality, quantity, intended purpose, value, geographical origin etc. of **goods or service**
 - **Deceiving** to the public
 - **Scandalous or offensive**

Trademarks

- **Absolute Refusal of registration** for trademarks:
 - Name or representation of another person without consent
 - Flag, emblem, insignia of country
 - Accepted or common name of any single chemical element or compound (e.g. HCl, H₂O)
 - Contain wording of other IP element (e.g. Patented, Registered Design, Copyrighted)

Unregistered Trademarks



Who May Apply?

- Any person who intends to use a trade mark or to have it used by third parties can apply for registration
- Can be individual or legal entity (individual, company, association)

Registration Cost?

- Normal Route
 - TMA2 – Application for registration of Trademark
 - RM 950 (for each class adopting pre-approved list)
 - RM 1100 (for each class without adopting pre-approved list)
 - RM 50 (for subsequent series of trademark)
- Expedited Route
 - TMA4 – Request for expedited examination of a trademark application
 - RM 1000 (for each class)

**Further Info:
IP Procedure Seminar
or
Workshop “Trademark Do-it-
yourself (TM DIY)”
Or
Patent Agent Course – Trade
Mark Law**



INDUSTRIAL DESIGN

Industrial Design

What is an industrial design?

- An industrial design means features of **shape, configuration, pattern** or **ornament** applied to an **article** by any **industrial process** which in the **finished article appeal to the eye** and **are judged by the eyes**.
 - i.e. the ornamental or aesthetic aspect of an article.
- The design may consist of :
 - **three-dimensional features (3D)** such as the **shape and configuration** of an article, or
 - **two-dimensional features (2D)** such as **pattern and ornamentation**
 - Combination of **(3D+2D)**
- Term of Protection: 5 + 5 + 5 + 5 + 5 years

Industrial Design



3D Design



2D Design



3D + 2D Designs

Industrial Design



3D Designs

Industrial Design



2D Designs

Industrial Design



Shape &
Configuration
(3D)

Pattern &
Ornamentation
(2D)

3D + 2D Designs

Set of Articles

A number of articles that are of the same general character and ordinarily on sale together, or intended to be used together.

Example: Tea set consists of teapot, teacups, tea trays, milk pot & sugarpot



Registrable Industrial Design

- Fulfill the interpretation of Industrial design (Sec. 3)
 - Features or shape, configuration, pattern or ornament applied to an article by any industrial process or means
 - Finished article appeal to and are judged by the eye
- New in Malaysia or elsewhere (Sec. 12).
- Not contrary to public order or morality (Sec. 13).

Non-registrable Industrial Design

1. A method or principle of construction
2. The features of the article are dictated solely by function
3. The designs of articles depend upon the appearance of another article which forms an integral part of the article
4. It differs only in immaterial details or features
5. The characteristics of the goods that have no clear aesthetic value

Non-registrable Industrial Design



1. A method or principle of construction



Non-registrable Industrial Design



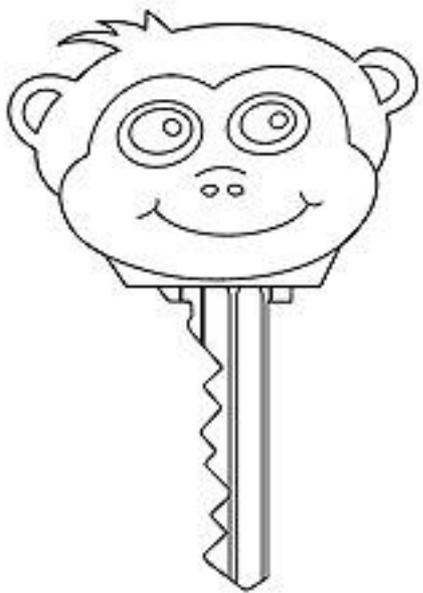
2. The features of the article are dictated solely by function

Non-registrable Industrial Design

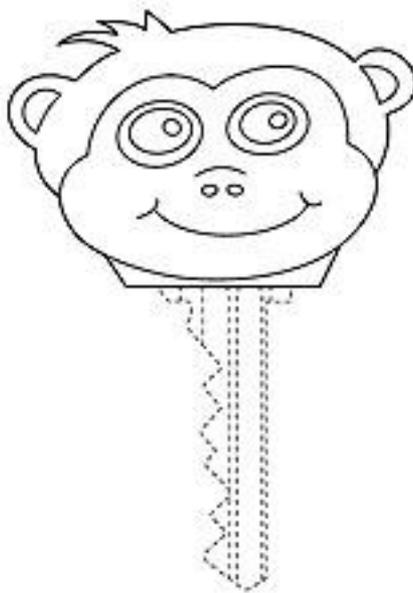


3. Features of shape or configuration of an article which are dependent upon the appearance of another article of which the article is intended by the author of the design to form an integral part

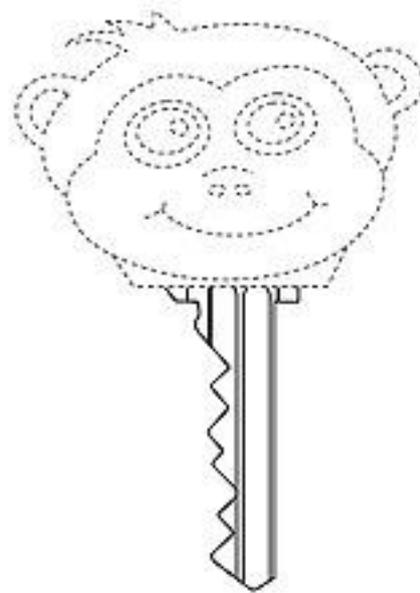
Non-registrable Industrial Design



Example 1.1



Example 1.2



Example 1.3

Non-registrable Industrial Design

4. It differs only in immaterial details or features

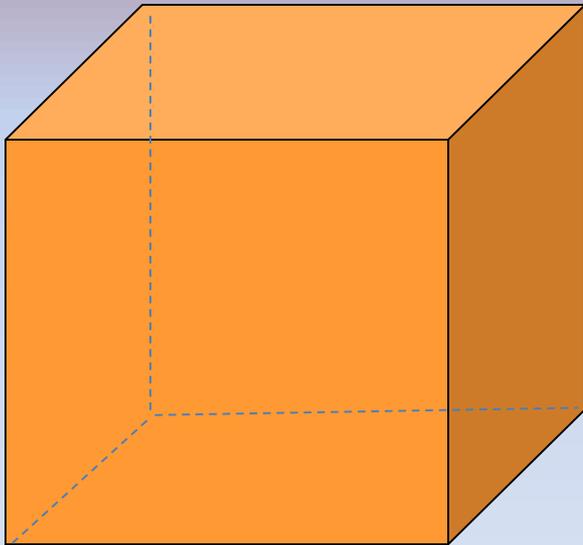
An industrial design is **NOT** considered new if it is only different in details or non-material features

Example: Ordinary pencil designed to be shortened

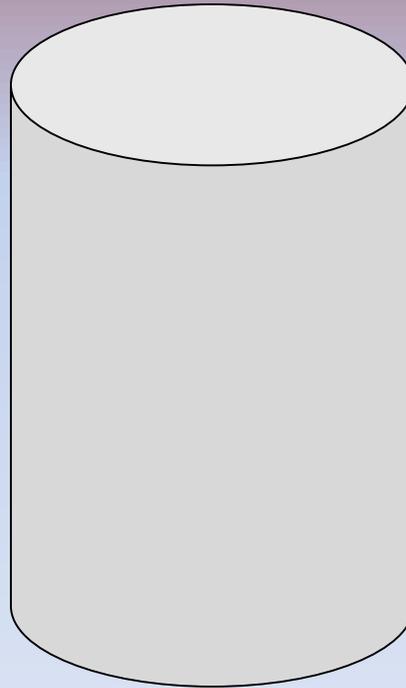


Non-registrable Industrial Design

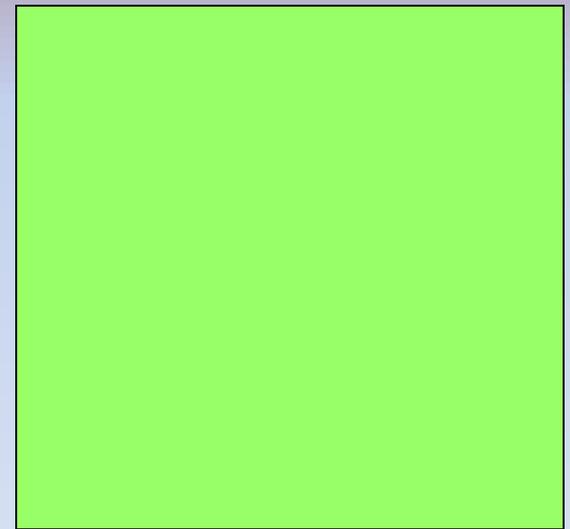
5. The characteristics of the goods that have no clear aesthetic value



Box



Can



Wall paper

Filing of Industrial Design

- Application Form (ID Form 1)
- Publication for each view of the representation (photograph / drawing)
- *Statement of novelty* (Cth: *The novelty of the design resides in the **shape and configuration** of the articles as shown in the accompanying representations*); and

Statement of Novelty

Example of Statement of Novelty:



Shape and Configuration (3D)

- The novelty of the design resides in the **shape and configuration** of the article as shown in the accompanying representation. or
- The novelty of the design resides in the features of the **shape and configuration** of the article as shown in the accompanying representation.



Pattern and Ornamentation (2D)

- The novelty of the design resides in the **pattern and ornamentation** applied of the article as shown in the accompanying representations. or
- The novelty of the design resides in the features of the **pattern and ornamentation** applied of the article as shown in the accompanying representations.



Shape and Configuration; Pattern and Ornamentation (3D+2D)

- The novelty of the design resides in the **shape and configuration; and the pattern and ornamentation** applied to the article as shown in the representations. or
- The novelty of the design resides in the features of the **shape and configuration; and the pattern and ornamentation** applied to the article as shown in the representations.



Part of a Design (Partial Design)

- The novelty of the design resides in the shape and configuration of the article as shown in the **solid lines** in the representation. or
- The novelty of the design resides in the features of the shape and configuration of the article as shown in the **solid lines** in the representation.



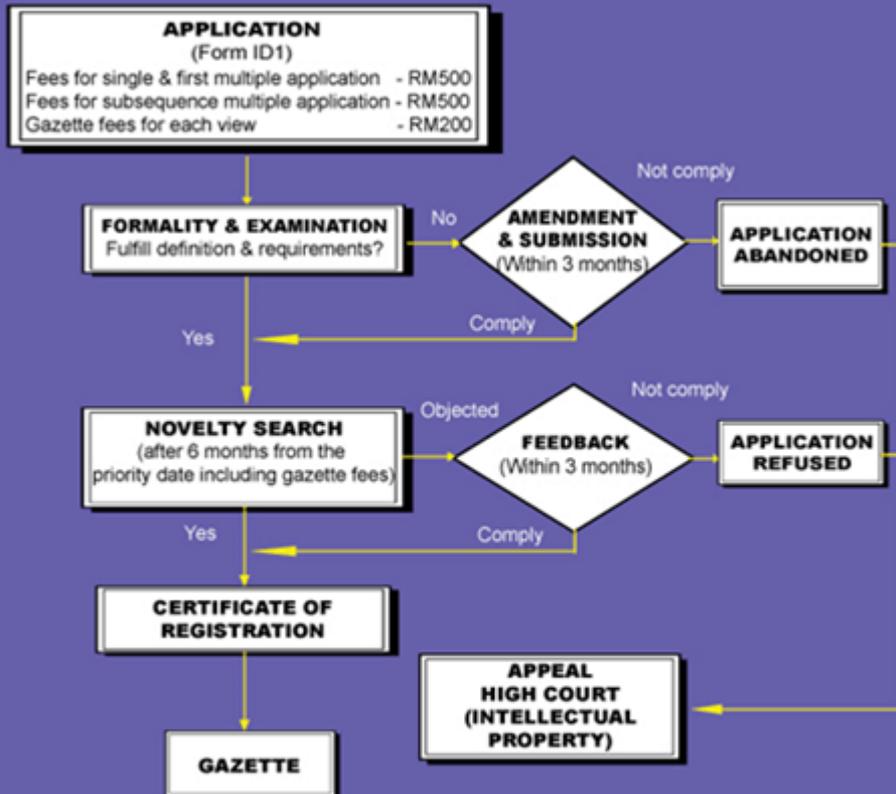
Set of Article

- The novelty of the design resides in the shape and configuration; and the pattern and ornamentation applied to the **set of article** as shown in the representations. or
- The novelty of the design resides in the features of the shape and configuration; and the pattern and ornamentation applied to the **set of article** as shown in the representations.

Form & Fees for Filing Industrial Design

- New Application Form ID 1
- Application Fee RM 500 (480)
- A set of representation
 - RM200 / view

**FLOWCHART
INDUSTRIAL DESIGNS APPLICATION PROCEDURE
(INDUSTRIAL DESIGNS ACT 1996)**



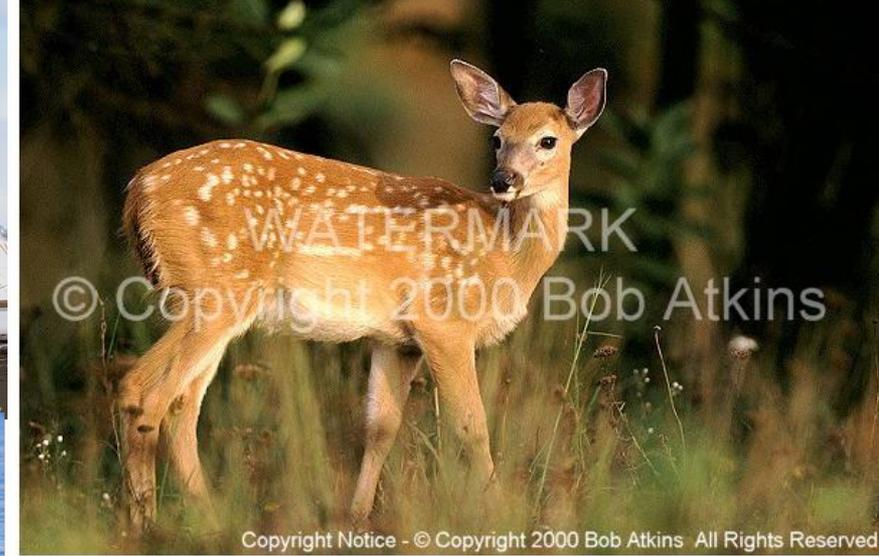
*Please refer to Industrial Designs Regulation for further details.

Further Info:

**Seminar on Registration
Procedure of Intellectual
Property (Seminar Prosedur
Pendaftaran Harta Intelek)**



© 2012 Robert O'Toole Photography



Copyright Notice - © Copyright 2000 Bob Atkins All Rights Reserved

```
1 class Graph {
2   private Set<Arc> arcs = new HashSet<Arc>();
3   private Set<String> nodes =
4     new HashSet<String>();
5   public void addNode(String id) {
6     nodes.insert(id); }
7   public void addArc(String from, String to) {
8     arcs.insert(new Arc(from,to)); }
9   public Set<Colored> compute3Coloring() {
10    Set<Colored> res = new HashSet<Colored>();
11    <# in = arcs::arc, nodes::node out = res::col
12      col(X, red) v col(X, green)
13                v col(X, blue) :- node(X).
14      :- col(X, C), col(Y, C), arc(X, Y).
15    #>
16    if_no_answer set { res = null; }
17    return res; }
18 }
19 public class Arc {
20   public String start; public String end; }
21 public class Colored {
22   public String node; public String color;}
```



© 2012 Robert O'Toole Photography



COPYRIGHT

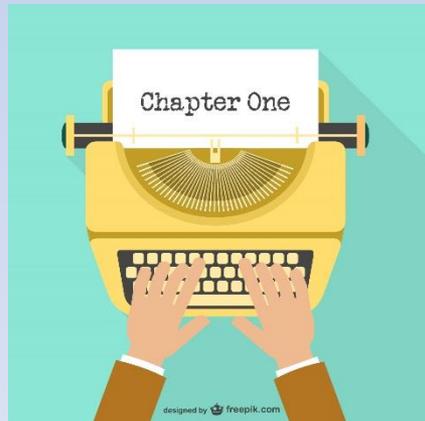
Copyright

- **What is copyright?**

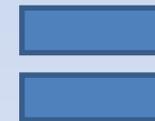
- Exclusive right to control **creative works** created by the **author, copyright owner** and **performer** for a **specific period** governed under the Copyright Act 1987
- No Registration System – But MyIPO has Voluntary Notification System
- Automatic Protection of Works



Original Idea



Expression



Automatic Protection 80

Works Eligible for Copyright Protection



Literary works

(e.g. novels, stories, books, letters, report, essays, articles)



Music works

(e.g. musical composition)



Artistic works

(e.g. graphic work, work of architecture & of artistic craftsmanship)



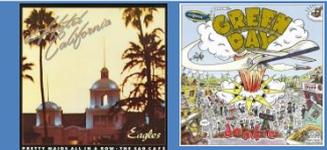
Films

(includes the sound embodied in any sound-track associated with the film)



Sound recordings

(e.g. music cd)

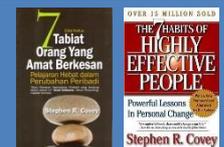


Broadcasts

(e.g. TV programs broadcast by TV3)



Derivative works (e.g. translation, adaptations, arrangements, and other transformation of other copyright works)



Non-Eligible Works for Copyright

- Works non-eligible for copyright protection:
 - Idea
 - Procedure
 - Method of Operation
 - Mathematical Concept

Eligible Copyright

- A work is eligible for copyright protection if it complies to the following requirements:
 - sufficient effort applied or put into the work to make the work **original**
 - work must be reduced to **material form**

Duration of Copyright

- **How long does copyright last?**
 - Literary, Musical or Artistic Works:
 - the life of the author plus 50 years after his death)
 - Film, Sound Recordings and Performer:
 - 50 years from the work was published, fixed in a fixation for the film and sound recording. For performer, the copyright work shall subsist from the performances was perform or fixation in a sound recording.
 - Broadcasts:
 - 50 years from the which the broadcasts was first made (protection occurred in way of transmission either by wire or wireless means).

Evidence of Ownership

- Conventional method for copyright proof of ownership:
 - Affidavit (*Statutory Declaration*) – a prima facie evidence
- **New Initiative: Voluntary Notification of Copyright – Copyright Act (Amendment 2012)**

Economic Right

- Exclusive right to copyright owner/author in Malaysia:
 - the reproduction in any material form;
 - the communication to the public;
 - the performance, showing or playing to the public;
 - the distribution of copies to the public by sale or other transfer of ownership; and
 - the commercial rental to the public,
 - Etc.
- Economic rights allows the owner of rights to derive financial reward from the use of his works by the user or commercial purposes.
- Form of economic rights can be by way of assignment, licensing and testamentary disposition.

Moral Right

- Moral Rights

- Paternity Rights:

- » This rights allows the author to claim the originality rights of his or her creation.

- Integrity Rights:

- » This right authorizes the author to prevent any users from distortion, mutilation or other modifications of his or her works whereby the result of the modification will significantly alter the original work and adversely affect the author's honor or reputation.

Moral Right of author – held forever by the author

Legal Right

- Author, copyright owner and performer is given an exclusive right to control under the copyright law.
- Rights to enforce their copyrighted works in cases for infringement either by civil or criminal action.
- Civil Action:
 - an order for injunction;
 - damages;
 - an account of profits;
 - statutory damages of not more than MYR25,000 for each work, but not more than MYR500,000 in the aggregate; or
 - any other order as the court deems fit.
- Criminal action:
 - Enforcement Division of Ministry of Domestic Trade, Cooperative and Consumerism (MTDCC); or
 - Royal Malaysian Police

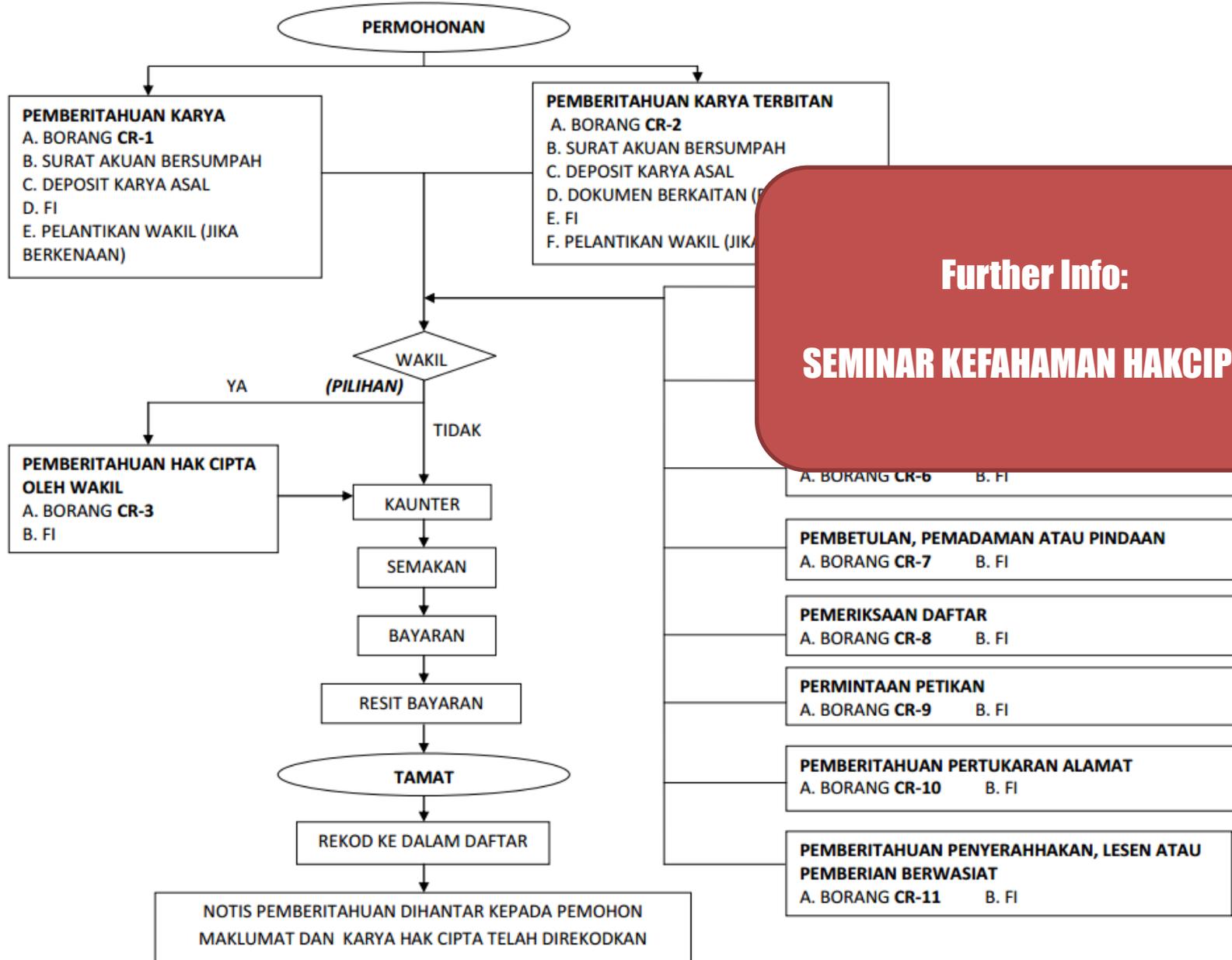
Exception: For personal use of 1 or 2 infringed works

Copyright Infringements

Whoever use any copyrighted works without consent or authorization from the author, copyright owner and performer, it may constitute an infringement under Copyright Act 1987. Amongst the act of infringement includes:

- reproduces in any material form, performs, shows or plays or distributes to the public,
- imports any article into Malaysia for the purpose of trade or financial gains;
- makes for sale or rent any infringing copy;
- sells, rent or by way of trade, exposes or offers for sale or rent any infringing copy;
- distributes infringing copies;
- possesses, otherwise than for his private and domestic use, any infringing copy;
- exhibits in public any infringing copy by way of trade;
- makes or has in his possession any contrivance used or intended to be used for the purpose of making infringing copies

CARTA ALIRAN PEMBERITAHUAN SECARA SUKARELA HAK CIPTA



Geographical Indications

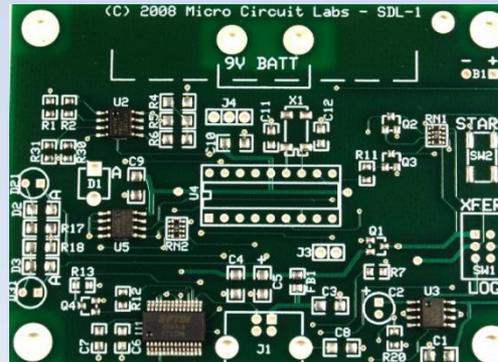
- Based on Geographical Indications Act 2000
- Definition :
 - **Indication** which identifies any goods as originating in a country/territory/region/locality;
 - where a given **quality, reputation or other characteristic** of the goods is essentially attributable to their **geographical origin**
- Term of protection : 10+10+10..... years
- Example: Sarawak pepper, Sabah Tea



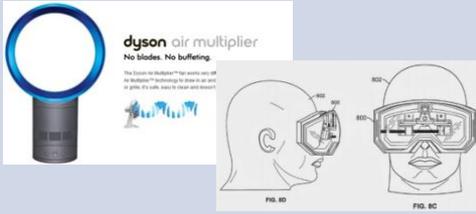
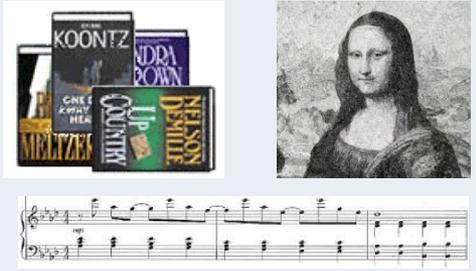
Layout-Designs of Integrated Circuits

Based on Layout-Design of Integrated Circuits Act 2000

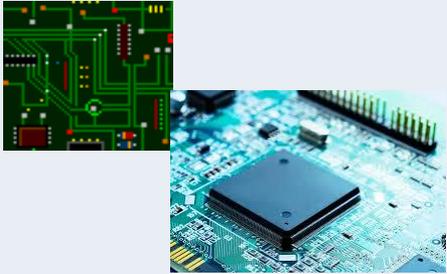
- Definition :
 - The three dimensional disposition of the elements of an integrated circuit and the interconnections of the integrated circuit
- Term of protection:
 - protected 10 years from the date its first commercially exploited in Malaysia;
but
 - lapse 15 years after the date its created



Summary Types of IP (1)

Types of Intellectual Property	Subject matter	Example	Registration required at MyIPO?	Duration
Patent & Utility Innovation	Inventions i.e. solutions to solve technical problem	 <p>The image shows a blue Dyson air multiplier fan on the left. To its right are technical drawings of a face mask. The top drawing is labeled 'FIG. 10' and shows a side profile of a person wearing a mask with a fan-like structure. The bottom drawing is labeled 'FIG. 10C' and shows a top-down view of the mask's internal structure.</p>	Registration required	20 years & 10+5+5 years
Industrial Design	Visual design of Objects	 <p>The image displays three examples of industrial designs: a modern blue and white chair on the left, a colorful floral pattern in the center, and a black computer mouse with a colorful, intricate design on the right.</p>	Registration required	5+5+5+5+5 years
Trademarks	Sign used to identify products or services from others	 <p>The image shows two logos: the Proton logo, which is a shield-shaped emblem with a stylized bird and the word 'PROTON' above it, and the Adidas logo, which consists of three slanted bars above the word 'adidas'.</p>	Registration or by use	10+10+∞ years
Copyright	Literary, Musical and Artistic Works; Films; Sound Recordings; Broadcast; Derivative Works	 <p>The image shows three examples of copyright works: a collection of books including 'The Da Vinci Code' by Dan Brown, 'The Girl on the Train' by Rachel Watson, and 'The Night Circus' by Erin Morgenstern; the Mona Lisa painting; and a snippet of musical notation on a staff.</p>	Automatic Protection but requires affidavit for evidence of ownership	50 years from.. (depends to types of work)

Summary Types of IP (2)

Types of Intellectual Property	Subject matter	Example	Registration required at MyIPO?	Duration
Geographical Indication	Sign used on products that have a specific geographical origin	 <p>The image shows a green tea box labeled 'SABAH TEA From The Borneo Rainforest' and two jars of 'SARAWAK PEPPER'.</p>	Registration or by use	10+10+ ∞ years
Layout-design of an integrated circuit	Topography or 3D disposition of microchips	 <p>The image shows a green printed circuit board (PCB) with various components and a close-up of a microchip on a blue PCB.</p>	Automatic Protection but requires affidavit for evidence of ownership	10 years from first use @ 15 years from creation
New Plant Varieties	IP rights given to the breeder of a new plant variety	 <p>The image shows a white orchid flower next to a ruler (captioned 'Abdullah Badawi') and a durian fruit next to a ruler (captioned 'KIM LIANG').</p>	Registration required	20 or 15 or 25 years
Trade Secrets @ Confidential Information	Know-how, technical data, recipe etc.	 <p>The image shows a classic glass Coca-Cola bottle and a blue and yellow WD-40 can.</p>	No registration. Requires effort to keep secret	Forever

MyIPOutreach

- Aimed to deliver information regarding IP in a friendlier manner.
- Various information and procedures on how to register and secure your IP rights are provided to the public via this page.



<https://www.facebook.com/MyIPOUTREACH/>

Distance Learning (Basic and Advanced Course)

WIPO eLearning Center

Our rich portfolio of courses on IP caters to different target audiences: inventors and creators, business managers and IP professionals, policy makers and government officials of IP institutions, diplomats, students and teachers of IP and the civil society. Courses combine traditional face-to-face and distance learning methodologies which explains how to stimulate innovation, creativity and development.

Quick access to:

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Distance Learning (Basic and Advanced Course)

WIPO Academy - [DL] Distance Learning Program

General Courses

- » DL101E - DL-101 General Course on Intellectual Property
- » DL_IPPanoramaE - IP Panorama
- » DL001E - DL-001 Primer on Intellectual Property
- » PCT_101E - DL101PCT Distance Learning Course: Introduction to the Patent Cooperation Treaty

Advanced Courses

- » DL201E - DL-201 Copyright and Related Rights
- » DL203E - DL-203 Intellectual Property, Traditional Knowledge and Traditional Cultural Expressions
- » DL301E - DL-301 Patents
- » DL3010E - DL-301 Patents (Open)
- » DL302E - DL-302 Trademarks, Industrial Designs and Geographical Indications
- » DL317E - DL-317 Arbitration and Mediation Procedure under the WIPO Rules
- » DL318E - DL-318 Patent Information Search
- » DL320E - DL-320 Basics of Patent Drafting
- » DL450E - DL-450 Intellectual Property Management
- » DL501E - DL-501 Collective Management of Copyright and Related Rights for Legal Practitioners
- » DL502E - DL-502 Collective Management of Copyright and Related Rights for Rights Holders

Trainings by Intellectual Property Academy

- **Trainings in Intellectual Property such as:**
 - **Seminar Kesedaran Harta Intelek @ Basics of Intellectual Property – 1 to 3 hours**
 - **IP Registration Procedure Seminar – 1 Day**
 - **Copyright Seminar – 1 Day**
 - **TM DIY (Trademark Seminar) – 1 Day**

IPA - Trainings

MUST ATTEND!!
CLOSING DATE: 1 SEPT 2017

PATENT DRAFTING SERIES **THE ART & MECHANICS OF PATENT DRAFTING LEVEL I** 11-14 SEPTEMBER 2017 (MONDAY - THURSDAY)

As Malaysia moves towards knowledge based economy, patent protection has become vital and important for inventors and technology creators to protect their invention and eventually reaping optimum return from the patented inventions.

This is only possible if the patent particularly the claims are well drafted and complete. A patent document is a legal document that has a specific structure according to the laws. By being aware of the structure of the patent document and knowing the drafting strategy and techniques, and inventor or patent owner can obtain a broader scope of protection and consequently exclude others from its define territory. Having a patent does not necessarily means having the desired protection.

This workshop will reveal the strategy and technique to broaden the scope of protection of a patent.

This four-day program comprises of a highly interactive sessions on guiding the participants on drafting the patent specifications particularly the claims.

WHY?

To increase the chance of obtaining a patent
To obtain optimum protection for a patent
Conducted by experienced speaker from MyIPO

Course Fee: RM 2120/person
(Inclusive of GST)
Certificate of Attendance will be awarded
subjected to terms & conditions
(F&B will be borne by MyIPO)

WHO SHOULD ATTEND?

Researchers, Academicians, Inventors, Engineers,
Technology Managers, Patent Agent Wannabies,
Scientists, Candidates for Patent Agent
examination, etc.

ONLY 30 SEATS
ARE AVAILABLE
(FIRST COME, FIRST SERVE BASIS,
HURRY!!)

Further Enquiries:
Hanun / Rezal
Intellectual Property Academy,
Level 12A, Tower B, Menara UOA Bangsar,
No. 5, Jalan Bangsar Utama 1, 59000 Kuala Lumpur
Tel: 03-2299 8963 / 8586
Email: ipa@myipo.gov.my

Visit Us
www.myipo.gov.my for further information



INTELLECTUAL PROPERTY ACADEMY
INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA
(An Agency Under IPOB/2012)

FOCUS

Patent System in Malaysia
The Anatomy of a Patent
Evaluation of the invention
(Novelty and Inventive Step)
Patent Filing Procedures
(Malaysia & Patent Cooperation Treaty)
Relevant Laws on Patent Drafting
Spotting the Invention
Scope of Patent Protection
Constructing Independent & Dependant Claims
Infringement Analysis
Practical and Hands-on Exercises

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azriroslan@myipo.gov.my

03-7490 2858