

MALAYSIA – INDUSTRIAL DESIGNS

KEY POINTS

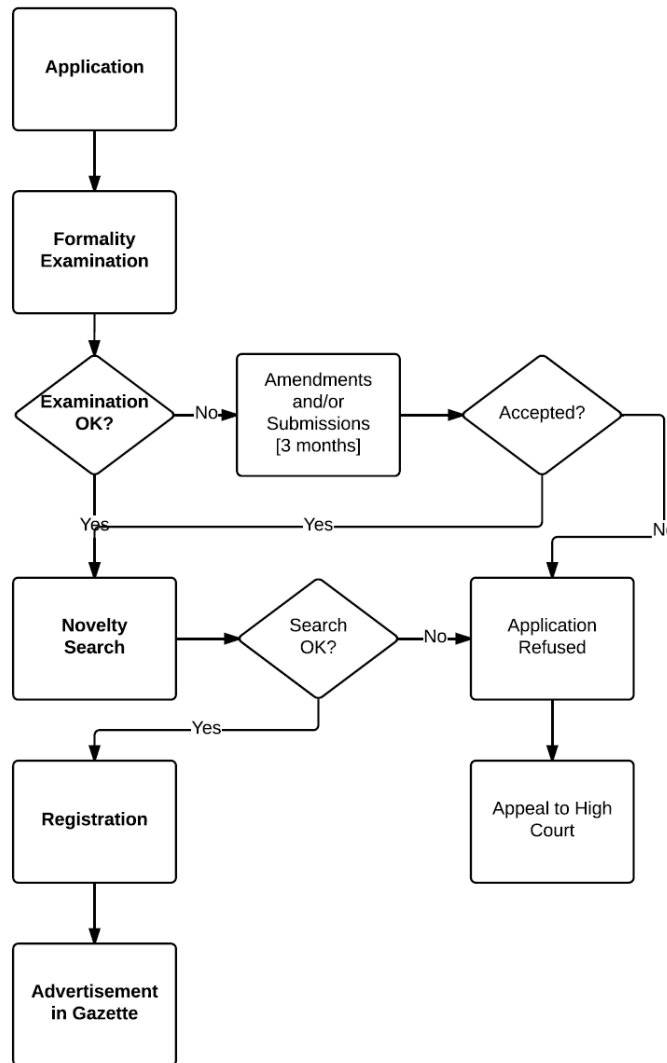
- First to File System – whoever files the design first, owns the design
- Multiple Design System – applications possible for single design, or can include additional designs under the same application
- Worldwide Novelty – design must be new, not just in Malaysia, but throughout the world
- Acts & Regulations – governed by the Industrial Designs 1996 and the Industrial Designs Regulations 1999
- No Substantive Examination – only formality examination is carried out, as well a novelty search
- Classification – Malaysia utilizes the 10th edition of the Locarno classification

DURATION

Upon registration, a registered design is given initial protection of 5 years from the date of filing, and is extendable for a further four times, of 5 years each (25 years total)

PROCEDURE FLOWCHART

A brief flowchart depicting the procedures for the registration of industrial designs is as follows:-



A smooth application may take about 8 to 12 months to be registered and the duration of registration is 5 years with 4 consecutive 5-year periods for renewals by payment of fees, thus allowing for a total of 25 years of protection.

COSTINGS & FILING REQUIREMENTS

We append hereunder our rates for filing a new industrial design application, from filing to registration, based on a smooth registration, with 7 views.

Please note that the above quotes are premised on the present professional and official rates as well as the current exchange rate, which may be changed without prior notice, although we will endeavor to keep you informed of such changes.

Application	USD (Electronic Filing)
Professional Fees	
- filing application	382
- entering as agent	40
- filing statement of rights	50
- paying publication fee for 7 views	140
Official Fees	
- filing application	138
- entering as agent (for each Applicant)	23
- publication fee for 7 views	406
General Disbursements	36
Courier charges for sending Certificate of Registration	[depending]
Bank charges	10
Service Tax – 6%	39.48
TOTAL:	1,264.48* excluding courier

**Please note that the above official fee reflects filing of the prescribed fee via electronic filing. Kindly be advised that the official fee is higher if the fee has to be paid manually for any reason beyond our control.*

Additional Items	USD
Each additional view	79.2
Each additional Applicant	65.4
Each additional priority claim	63.6
Each subsequent filing of documents (per occasion)	82

General details of what is required for filing the design application in Malaysia is summarised below. Please note that the items marked with *(asterisk) denotes the minimum requirements for obtaining an official filing date:

1. *Applicant's name, address & nationality
2. *Author's (i.e. Designer's) name and address
3. *Locarno Classification – If a Locarno Classification has been assigned for this article, please let us have the same.

4. Statement Justifying the Applicant's Rights (if the Author is not the Applicant) – We shall be able to prepare this Statement if provided with details of the devolution of rights from the Author to the Applicant; for example, (i) by virtue of employment of the Author by the Applicant; (ii) by assignment from the Author to the Applicant, etc.
5. *Agent Appointment Form (ID Form 10) duly signed by (or on behalf of) the Applicant – This is the only document that requires the Applicant's signature. No notarization or legalization required. A copy of the ID Form 10 is herewith attached. Please note that this document **must be submitted simultaneously with the application**. Kindly sign and return the original to us together with your instructions.
6. *Representations of the article of designs in the form of drawings or photographs. The representation shall not exceed the size of 12.5 cm x 9 cm.
7. *Priority data including country, application number and application date
8. A certified priority document is required if there is any priority claim. If the document is not in the English language, please provide us with an English translated version together with translator's verification.

Please note that if the information and document are not filed simultaneously with the application, the Registry will issue a notice requiring us to submit the information and document within a prescribed time limit. Therefore, we would appreciate it if you could let us have the information and document in items (4) and (8) the soonest possible to avoid receiving such notice from the Registry requesting the same.

NOTES

- A design application normally undergoes formalities examination only before it is granted and only rarely does a substantive issue concerning the registrability of the subject article of design be raised by the Examiner.