

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)



CONSULTATION PAPER

SEPTEMBER 2019

Bil: 1/2019/CP/REGTM

PROPOSED CHANGES & NEW PROVISIONS CONCERNING TRADEMARK REGULATIONS UNDER THE NEW TRADEMARKS

BILL 2019

INTRODUCTION

This consultation paper seeks for feedback on the proposed changes from our stakeholders. The Intellectual Property Corporation of Malaysia (MyIPO) welcomes any interested parties to make a written submission in response to the proposed provisions as stated herein.

Those interested in submitting written submissions are invited to submit it via email to Cik Iylia Hashim at iylia@myipo.gov.my or Cik Zaitilakhtar Yunus at zaiti@myipo.gov.my latest by **5.30 PM, 4 OCTOBER 2019 (FRIDAY)**.

Please note that, unless requested otherwise, written submissions submitted to MyIPO will be made publicly available.

BACKGROUND

The Trademarks Bill 2019 was passed in Dewan Rakyat on 2 July 2019 and was passed at Dewan Negara on 23 July 2019.

In order to implement the Trademarks Bill 2019, MyIPO intends to introduce Trademarks Regulations 2019. Thus, this consultation paper seeks to gather feedback on the proposed provisions regarding:

- i) National procedures on application and registration of trademarks matters
- ii) International trademark applications and registration made via Madrid Protocol
- iii) Proposed fees

Append below is the Salient Points of the Proposed Provisions on Trademarks Regulations 2019:

SALIENT POINTS OF THE PROPOSED PROVISIONS ON TRADEMARKS REGULATIONS 2019

No.	Matter	Salient Points of the Proposed Regulations	Comments
1.	Citation	<ul style="list-style-type: none">- The regulations may be cited as the Trademarks Regulations 2019.	
2.	Interpretation	<ul style="list-style-type: none">- Under these proposed Regulations, a few of the terms are interpreted as follows:- “Nice Agreement” means the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15th June 1957 as revised from time to time;- “Nice Classification” means the system of classification of goods and services applied for the registration of trademarks	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>under the Nice Agreement;</p> <ul style="list-style-type: none"> - “the Trademarks Office” has the meaning assigned to it under section 12 of the Act; - “specification” means the specification of goods or services in respect of which a trademark is registered or intends to be registered; - “transformation application” means an application to register a trademark where that trademark was the subject of an international registration prior to that registration being cancelled. 	
3.	Fees	<ul style="list-style-type: none"> - The fees as specified in the First Schedule shall be payable to the Registrar in respect of the matters specified in the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		First Schedule according to the manner as directed by the Registrar.	
4.	Size etc., of documents	<ul style="list-style-type: none"> - If the applications, notices or documents are to be given, sent or filed to the Registrar (other than by means of electronic filing system), it shall be sent using A4 size paper. 	
5.	Signature on documents	<ul style="list-style-type: none"> - If a document is to be signed by a sole proprietor, the sole proprietor shall sign the document. - If a document is to be signed for or on behalf of a partnership, the document shall contain the names of all the partners in full and shall be signed by — <ul style="list-style-type: none"> (a) all the partners; (b) any qualified partner signing on 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>behalf of the partnership; or</p> <p>(c) any other person who satisfies the Registrar that he is authorized to sign the document on behalf of the partnership.</p> <ul style="list-style-type: none"> - If a document is to be signed for or on behalf of a body corporate, it shall be signed by a director, the secretary or other qualified officer of the body corporate, or by any other person who satisfies the Registrar that he is authorized to sign the document on behalf of the body corporate. - If a document is to be signed by or on behalf of an unincorporated body or association, the document may be signed by any qualified person who satisfies the Registrar that he is authorized to sign the document. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - References to the document in this regulation are to be construed as references to the filing any application, notice or other documents to be given, sent to or filed with the Registrar. 	
ELECTRONIC FILING SYSTEM			
6.	Establishment of electronic filing system	<ul style="list-style-type: none"> - There will be an electronic filing system and it may be used by any person for giving, sending to, filing with or serving on the Registrar or the Trademarks Office any document (other than a notice or document to be served in proceedings in court); and it was also will be used by the Registrar or the Trademarks Office to give, to send or to serve on any person of any notice or other document (other than a notice or document to be served in 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>proceedings in court).</p> <ul style="list-style-type: none"> - The Registrar may issue practice directions. These practice directions will set out the manner in which any document is to be given or sent to, filed with or served on the Registrar or the Trademarks Office. It will also set out the manner in which the Registrar or the Trademarks Office may give, send or serve any notice or document. Other than that, the practice directions will also set out the procedures and conditions for the setting-up, operation and use of the electronic filing system which includes how the fee for filing any document through the electronic filing system is to be paid. - The Registrar may at any time suspend 	

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		<p>and consequently resume the right of applicants to file a request using the electronic filing system for such period as the Registrar deems fit. However, before suspending or resuming the service by electronic filing system, the Registrar shall publish a notice on the Intellectual Property Official Journal. The notice shall contain the date from which the electronic filing service is suspended and the date upon which the electronic filing service will resume.</p>	
7.	Duty of person using electronic filing system	<ul style="list-style-type: none"> - Any person who uses the electronic filing system, must do so in accordance with these regulations and any practice directions issued by the Registrar. 	-
8.	Documents to be signed, made	<ul style="list-style-type: none"> - When using the electronic filing system, 	

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	on oath, etc.	<p>where any document to be given, sent, filed or served is to be signed or made on oath or by affirmation, it shall be signed, made on oath or affirmed in the usual way on the original paper document.</p> <ul style="list-style-type: none"> - If the document is to be attested, it shall be attested in the usual way in which the original paper document is attested. - The giving, sending, filing or service of such document using the electronic filing system shall be effected by sending a true and complete electronic image of the original paper document. 	
9.	Service bureau	<ul style="list-style-type: none"> - To assist a person in using the electronic filing system, the Registrar may establish, or appoint agents to establish, one or 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>more service bureaus for giving, sending to, filing with or serving documents on the Registrar or the Trademarks Office.</p>	
FILING AND SERVICE OF DOCUMENTS			
10.	Filing of documents etc. through electronic filing system or other manner	<ul style="list-style-type: none"> - Unless otherwise directed by the Registrar, all documents are required to be filed with the Registrar under the Act, and all application for any matters as specified in the Schedule, shall be filed or made through the electronic filing system. - If a document was filed at the Trademarks Office without using the electronic filing system, the document shall be filed using durable paper be in writing that is legible and permanent. - If a person fails to comply with the Act or 	

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		<p>these Regulations, the Registrar may refuse to accept or process any document filed at the Trademarks Office.</p> <ul style="list-style-type: none"> - If the Registrar refuses to accept any document that does not comply with the directions above, the Registrar shall give the applicant a notice stating the manner in which the document does not comply. 	
11.	Service of documents	<ul style="list-style-type: none"> - Wherever under the Act or these Regulations authorize or require any document to be given or sent to, filed with or served on the Registrar or Trademarks Office, it shall do so by the following manner: <ul style="list-style-type: none"> (a) by sending the document by post; (b) by sending an electronic communication of the document 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>using the electronic filing system;</p> <p>(c) by hand; or</p> <p>(d) by any other manner as determined by the Registrar.</p> <p>- Wherever under the Act or these Regulations authorize or require any document to be given or sent to or served on any party other than the Registrar or Trademarks Office, the giving, sending or service of that document may be effected on that party by sending the document by any manner by:</p> <p>(a) sending the document by post;</p> <p>(b) sending an electronic communication of the document using the electronic filing system;</p> <p>or</p> <p>(c) by hand.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Wherever under the Act or these Regulations authorize or require any notice or other document to be given or sent to or served on any party by the Registrar or Trademarks Office, the Registrar or Trademarks Office may affect the giving, sending or service on the party — <ul style="list-style-type: none"> (a) by sending the notice or other document by post; (b) by sending an electronic communication of the notice or other document using the electronic filing system; or (c) by any other manner as the Registrar deems fit. - If the document was sent by post, it shall be deemed to be effected by properly addressing, preparing and posting a 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>letter containing the document or thing, to the Registrar at the Trademarks Office and the document or thing shall be deemed to have been received at the time when the document or thing is actually received at the Trademarks Office.</p> <ul style="list-style-type: none"> - The filing of the document or thing with the Trademarks Office shall be deemed to be effected at such time as it is received at the Trademarks Office and is recorded as received. - For the purposes of service of notice of opposition, counterstatement or any other document in opposition proceeding, the Registrar may require the filing of Affidavit of Service to prove the service of notice of opposition, counterstatement or any other 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>documents in opposition proceeding and determine its consequential effect.</p> <ul style="list-style-type: none"> - The rules stated above shall not apply to notices and documents to be served in proceedings in court. 	
ADDRESSES			
12.	Furnishing of address	<ul style="list-style-type: none"> - Whenever any person required under the Act or these Regulations to furnish the Registrar with an address, the address shall be as full as possible for the purpose of enabling any person to find easily the place or place of business of the person whose address is given. 	-
13.	Address for service	<ul style="list-style-type: none"> - The following persons shall file an address for service with the Registrar as required under the Act— <ul style="list-style-type: none"> (a) an applicant for 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registration of a trademark;</p> <p>(b) any person who opposes the registration of a trademark in opposition proceedings;</p> <p>(c) any person who has interest in an application for registration of trademark or registered trademark;</p> <p>(d) any proprietor of a registered trademark which is the subject of an application to the Registrar for revocation of registration of the trademark, declaration of invalidity of the registration or the correction of the Register;</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p style="text-align: center;">and</p> <p style="text-align: center;">(e) any other party to any proceedings before the Registrar.</p> <ul style="list-style-type: none"> - If any application filed with the Registrar contains two or more names with different addresses, the Registrar may require one address for service to be filed. - Where any person files an application or other documents with the Registrar which requires the furnishing of an address for service, the address for service shall be furnished together with that application or other documents. - The filing of an address for service 	

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		shall be effective only for the matter for which the application or others document are filed.	
14.	Failure to provide an address for service	<ul style="list-style-type: none"> - Where an address for service is not filed, the Registrar may send to the person concerned notice to file an address for service within two months from the date of the notice and if that person fails to do so may result in the application to be deemed withdrawn; or the person to be deemed withdrawn from the proceedings in question. 	-
TRADEMARK AGENT: REGISTRATION OF TRADEMARKS AGENTS			
15.	Interpretation	<ul style="list-style-type: none"> - For the proposed regulations, certain terms are interpreted as below: <ul style="list-style-type: none"> (a) “registered trademark agent” means a trademark agent whose name is 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>entered in the Register of Trademarks Agents;</p> <p>(b) "Board of Examiners" means the Board of Examiners of Patents Agents established under regulation 45D of the Patents Regulation 1986;</p>	
16.	Register of Trademarks Agents	<p>- There will be a Register of Trademark Agents and this Register will contain the following information:</p> <p>(a) the name of the registered trademark agent or the name of the partnership or bodies corporate together with the name of each person who is entitled to be registered according to the conditions stipulated under the regulations;</p> <p>(b) his address for service;</p> <p>(c) his contact details as determined by the Registrar;</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(d) the date of his registration as a trademark agent; and</p> <p>(e) such other particulars as the Registrar may, at the request of that person, think fit to include.</p> <p>- The entries in the Register of Trademark Agents shall be published by the Registrar.</p>	
17.	Record of Trademarks Agents	<p>- The Registrar will also keep a record of trademarks agents. This record will contain the name and particulars of any person whose name has been removed due to failure to pay fee for renewal as trademarks agent or other correction matters.</p>	-
18.	Inspection of Register or Record of Trademarks Agents	<p>- The Register of Trademarks Agents and the record of Trademarks Agents shall be</p>	-

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		<p>open to public inspection according to the manner determined by the Registrar.</p>	
19.	Examination of trademarks agents	<ul style="list-style-type: none"> - One of the conditions to be a registered trademarks agent in Malaysia is for the agent to pass a trademark examination. - The Board of Examiners shall conduct this examination which consist of the following subjects: <ul style="list-style-type: none"> (a) Malaysian trademark law and designs law and practice; and (b) foreign industrial property law and practice. - An application for registration as a candidate for the examination shall be made to the Board of Examiners together with the payment of the prescribed fee. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 285 1457 540">- The application to sit for the examination shall be sent to the Secretary to the Board of Examiners at the Trademarks Office on or before the date determined by the Board of Examiners. <li data-bbox="835 621 1457 821">- Before attending the examination, the candidates will have to attend all the required courses as determined by the Registrar. <li data-bbox="835 902 1457 1325">- If a candidate who has sat for and failed to pass any of the subjects in the examination and he is dissatisfied with his results, he may appeal to the Corporation to re-scrutinize the results within fourteen days from the date of the notification of such results together with the payment of the prescribed fee. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 289 1455 540">- After receiving the appeal, the Corporation shall consider the appeal and make their decision. The decision of the Corporation shall be final and conclusive. <li data-bbox="835 621 1455 1044">- A candidate who has sat for and failed to pass any or all of the subjects at the examination, may apply to re-sit the failed subject or subjects, at the next sitting of the examination. He needs to make an application to the Board of Examiners together with the payment of the prescribed fee. <li data-bbox="835 1125 1455 1385">- Any candidate who has failed to pass all of the subjects in the examination after three attempts shall be deemed to have failed the overall examination. He cannot appeal to the Corporation for an appeal 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>for re-scrutiny of the result as stated above.</p> <ul style="list-style-type: none"> - Any candidate who is deemed to have failed the overall examination may re-apply to be registered as a candidate for examination again. 	
20.	Registration of trademarks agents	<ul style="list-style-type: none"> - An application to be registered as a trademark shall be made to the Registrar together with the payment of the prescribed fee. - Before an agent can become a registered trademark agent, the applicant shall satisfy the Registrar that he is either a citizen, domiciled, permanent resident of Malaysia or carrying on business principally and has a registered business 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>address in Malaysia and that he is not an undischarged bankrupt and has passed the examination of trademarks agents.</p> <p>- Other conditions that need to be complied with before becoming a registered trademark agent are as follows:</p> <p>(a) the person is on the Register of Patents Agents maintained in pursuance of regulations made under the Patents Act 1983;</p> <p>(b) that he is an advocate and solicitor of the High Court in Malaya or an advocate and solicitor of the High Court in Sabah and Sarawak who is practicing solely in Malaysia;</p> <p>(c) the person holds a recognised degree in any field of studies and has had at</p>	

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		<p>least two years experiences in the field of industrial property; or</p> <p>(d) the person has at least three years experiences by virtue of him being an ex-officer of the Corporation.</p> <ul style="list-style-type: none"> - The Registrar may, at any time, require proof that the applicant is an advocate and solicitor of the High Court in Malaya/Sabah/Sarawak or proof that the applicant holds a recognised degree in any field of studies and has at least two years' experiences in the field of industrial property. - The Registrar will issue a written notice for the applicant to provide the proof. The applicant shall reply within the period as specified in the written notice. No extension of time to respond to the 	

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		<p>Registrar's notice are allowed. Failure to respond shall result in the application to be a registered trademark agent deemed withdrawn.</p> <ul style="list-style-type: none"> - It was stated above that one of the requirements to be a registered trademark agent is for the applicant to sit for a trademarks agent examination. However, it should be noted that the Registrar may waive that requirement if the applicant has passed the examination for patent agents pursuant to regulation 45D of the Patents Regulations 1986. - The Registrar may refuse to register any person who has been convicted of an offence involving fraud or dishonesty. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - If the Registrar is satisfied that the applicant fulfilled all the requirements to be a registered trademarks agent, the Registrar shall register the applicant for a term expiring on the 31st December of that year. 	
21.	Partnership and bodies corporate may be registered as a trademark agent	<ul style="list-style-type: none"> - Partnership or bodies corporate which comprise of one or more registered trademarks agent is entitled to register its partnership or the bodies corporate as a registered trademark agent. - If the Registrar is satisfied with the application of the partnership or bodies corporate to be registered as trademarks agent, the Registrar shall register it as a registered trademark agent. - The address of the partnership or bodies corporate shall be the address for service 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>upon it being registered as a registered trademarks agent.</p>	
22.	Renewal of registration of trademark agents	<ul style="list-style-type: none"> - An application for the renewal of registration as a trademark agent shall be made to the Registrar by the 31st January of each year and may be made by two months before the expiry of the registration. The application shall be made together with the prescribed fee. - The registered trademark agent may apply for extension of time to extend of period from 31st January for the period of one month but not more than six months. - The Registrar, upon receiving an application for the renewal of registration as a trademark agent, shall 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>renew the registration of the trademark agent for a term expiring on the 31st December of that year. However, this can be done only if the registered trademarks agent fulfils the following conditions:</p> <p>(a) is either a citizen, domiciled, permanent resident of Malaysia or carrying on business principally and has a registered business address in Malaysia;</p> <p>(b) he is an undischarged bankrupt;</p> <p>(c) he has attended all the required courses as determined by the Registrar;</p> <p>(d) he has not been struck off from the Register of Patent Agents or suspended from the Roll of Advocates and Solicitors, wherever applicable; and</p> <p>(e) has not been convicted of an offence</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p style="text-align: center;">involving fraud or dishonesty.</p> <ul style="list-style-type: none"> - The Registrar may, at any time, require proof of that the agent had fulfilled the conditions as stated above by issuing a written notice to the applicant. - The applicant shall reply within the period as specified in the written notice. If the applicant failed to do so, will result in the application deemed withdrawn. It should be noted that no extension of time can be given to extend the time to reply to the Registrar's notice. - If the Registrar is satisfied that the registered trademark agent has at least two years' experiences in the field of industrial property, his registration may be renewed even if he does not fulfill the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>condition of (d) as stated above.</p> <ul style="list-style-type: none"> - The Registrar shall, upon receiving an application for the renewal of registration as a trademark agent by a partnership or bodies corporate, renew the registration of the trademark agent for a term expiring on the 31st December of that year if the registered trademarks agent fulfils the condition that there is at least one or more registered trademarks agent which is duly renewed. 	
23.	Deferment of renewal of registration of trademark agent	<ul style="list-style-type: none"> - Despite the requirement to pay renewal of registration of trademark agent, a registered trademark agent may apply for deferment from paying annual renewal fee on or before the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>renewal date of registration of trademark agent for a period of three years if the Registrar satisfied that the agent had fulfilled the following conditions:</p> <p>(a) the registered trademark agent has a legitimate cause or reason to defer such renewal of registration;</p> <p>(b) has ceased from any appointment or authorization of an application or registered proprietor of trademark to act on their behalf; and</p> <p>(c) paid the prescribed fee for deferment.</p>	
24.	Amendment of the Register of Trademarks Agents	<p>- A registered trademark agent may request to the Registrar with the payment of the prescribed fee to make any amendment to the particulars relating to him, any errors of wording</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>or copying, or obvious mistakes entered in the Register of Trademarks Agents.</p> <ul style="list-style-type: none"> - Following the request, the Registrar shall amend the Register accordingly. 	
25.	Voluntary cancellation of registration of trademark agent	<ul style="list-style-type: none"> - A registered trademarks agent can request to voluntarily cancel his registration as a registered trademarks agent. - The Registrar shall cancel his registration if the Registrar is satisfied that the agent had fulfilled the following conditions: <ul style="list-style-type: none"> (a) has ceased from any appointment or authorization of an application or registered proprietor of trademark to act on their behalf; and 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		(b) paid the prescribed fee for voluntary cancellation.	
26.	Cancellation of registration for failure to pay fee	<ul style="list-style-type: none"> - If any registered trademark agent fails to pay the renewal fee, the Registrar shall send a notice to him requiring him to pay the fee on or before a day specified in the notice. - If the person fails to pay the fee on or before that date, the Registrar may cancel his name and removed it from the Register of Trademarks Agents. - The name of a person removed from the Register may be restored by the Registrar if the person pays the fees due from him, together with the payment of extension of time as directed by the Registrar. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - When the registered trademark agent is removed from the Register of Trademark Agents, such removal and all the applications for registration or registrations of trademarks handled by the registered trademark agent shall be published by the Registrar in the Intellectual Property Official Journal. - When the removal of registered trademark agent and all the applications for registration or registrations of trademarks handled by the registered trademark agent have been published by the Registrar in the Intellectual Property Official Journal, the applicant of the applications for registration or the registered proprietor of the registrations of trademark shall appoint and authorize 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		a new registered trademark agent to act for him.	
27.	Correction of entries in Register of Trademarks Agents	<ul style="list-style-type: none"> - If any entry in the Register of Trademarks Agents has been made in error or incorrect, the Registrar may correct the entry. 	-
28.	Cancellation of registration of trademark agent	<ul style="list-style-type: none"> - Other than failure to pay renewal fee of trademarks agents, the Registrar may cancel the registration of any person who: <ul style="list-style-type: none"> (a) has been convicted of an offence involving fraud or dishonesty; (b) is no longer a citizen, domiciled or resident in Malaysia or no longer carrying a business principally in Malaysia; or (c) is an undischarged bankrupt. - If a registration of any person is cancelled 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>following the above conditions, the effect following such cancellation are as below:</p> <p>(a) all the applications for registration or registrations of trademarks handled by the cancelled registered trademark agent shall be published by the Registrar in the Intellectual Property Official Journal.</p> <p>(b) After the publication, the applicant of the applications for registration or the registered proprietor of the registrations of trademark shall appoint and authorize a new registered trademark agent to act for him.</p>	
29.	Power of the Board of Examiners	<p>- The Board of Examiners shall be responsible for—</p> <p>(a) the conduct of the examination for</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademarks agents</p> <p>(b) preparing and publishing the examination syllabus and determining the study material to be recommended;</p> <p>(c) preparing examination papers;</p> <p>(d) registering and admitting candidates;</p> <p>(e) determining the time, date and place for the examination;</p> <p>(f) awarding certificates; and</p> <p>(g) advising the Registrar as to the persons who have satisfied the requirements of:</p> <p>(i) that the agent is an advocate and solicitor of the High Court in Malaya or an advocate and solicitor of the High Court in Sabah and Sarawak who is practicing solely in Malaysia; or</p> <p>(ii) that the agent holds a recognized degree in any field of studies and has</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>had at least two years' experiences in the field of industrial property;</p> <ul style="list-style-type: none"> - The Board of Examiners shall enjoy the prerogative of awarding and withdrawing certificates, withholding and cancelling the results of any candidate, and barring any person from taking the examination. 	
30.	Selling, assessing and marking of questions and answer	<ul style="list-style-type: none"> - The Board of Examiners may appoint suitably qualified persons to be examiners. - The Board of Examiners also have the power to give any instructions in relation to the setting, assessing and marking of questions or answers of the examination as it considers necessary. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
31.	Change of name or address of the registered trademark agent	<ul style="list-style-type: none"> <li data-bbox="840 407 1455 716">- If there were any changes to the name or address of the registered trademark agent, the registered trademark agent shall inform the Registrar of the changes within fourteen days from the changes with the prescribed fee. <li data-bbox="840 802 1455 1162">- If the registered trademark agent failed to inform the Registrar within the time stated above, all the correspondences directed to the previous address shall be deemed affected. The Registrar shall not re-issue any correspondences which have been deemed affected. 	
32.	Death of a registered trademark agent	<ul style="list-style-type: none"> <li data-bbox="840 1281 1455 1365">- In the event of death of a registered trademark agent, any person represented 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>by the registered trademark agent or the legal representative of the registered trademark agent shall notify the Registrar within fourteen days from the date of deceased together with the prescribed fee.</p> <ul style="list-style-type: none"> - After the Registrar received the notification, the Registrar will halt the activity of the proceedings relating to applications or registration of trademarks which are handled by the deceased for a period of three months or until the applicant or registered proprietor of the application or registered trademark has appointed or authorized a new registered trademark agent to act on his behalf before the end of the period of three months. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - If the applicant or registered proprietor of the application or registered trademark does not appoint or authorize a new registered trademark agent to act on his behalf within three months as stated above, the Registrar shall publish the application or registered trademark on Intellectual Property Official Journal to be taken up by other registered trademark agent after receiving the appointment or authorization from the applicant or registered proprietor of the application or registered trademark. 	
33.	Registered trademark agent may act on behalf of an applicant etc. for purposes of regulations	<ul style="list-style-type: none"> - A registered trademark agent may act on behalf for any person in any proceeding before the Registrar. - No person may appoint more than one agent to act for him concurrently in 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>respect of the same proceeding before the Registrar relating to an application for registration of trademark or a registered trademark.</p> <ul style="list-style-type: none"> - If there is more than one agent is on record for the same proceeding, the Registrar shall recognize only the latest agent duly appointed and authorized by the applicant, registered proprietor or any person in any proceeding before the Registrar. 	
34.	Registrar may serve and give notices to agent	<ul style="list-style-type: none"> - It is regarded that the Registrar satisfies any requirement under these regulations of service on, notice to, or correspondence with a person by serving on, giving notice to, or corresponding with that person's registered trademark agent, unless expressly excluded from the 	

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		<p>authority of the registered trademark agent.</p>	
35.	Registrar may require proof of authorization of agent	<ul style="list-style-type: none"> - If an agent has been authorized under section 95, the Registrar may require a supporting document proving that the registered trademarks agent is appointed and authorized by the applicant, registered proprietor or any persons in any proceeding before the Registrar. - If a person appoints an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file the request with the Registrar. - If after a person has become a party to proceedings involving a third party before the Registrar, the person appoints 	-

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		<p>an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file the request with the Registrar.</p> <ul style="list-style-type: none"> - Any act required or authorized by the Act in connection with the registration of a trademark or any procedure relating to a trademark may not be done by or to the newly appointed agent until on or after the date on which the newly appointed agent files the request with the Registrar as appropriate. - If a registered trademark agent has been appointed by a person for any application or proceedings, the registered trademark agent's address for service in Malaysia shall be treated as the address for service of that person. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
36.	Registrar may refuse to deal with certain agents	<ul style="list-style-type: none"> - The Registrar may refuse to recognize as a registered trademark agent in respect of any proceedings under the Act— <ul style="list-style-type: none"> (a) a person who has been convicted of an offence under section 108; (b) an individual whose name has been cancelled, removed from and not restored to the Register of Trademark Agents; (c) a partnership or bodies corporate of which one of the partners or directors is a person whom the Registrar could refuse to recognise under paragraph (a) or (b). 	-
37.	Notice to cease to act or alter authority may be given by agent	<ul style="list-style-type: none"> - If an agent for a party to any proceedings intends to cease to act on the party's behalf, the following steps must be taken 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>by that agent:</p> <p>(a) the agent shall file, and serve on the party and on the Registrar, a notice of the intention to cease to act on the party's behalf; and</p> <p>(b) upon complying with paragraph (a), the agent shall cease to be the agent for the party.</p> <p>- A notice of intention to cease shall be filed with the Registrar together with the payment of the prescribed fee.</p>	
APPLICATION FOR PRELIMINARY ADVICE OR FOR SEARCH OF REGISTER			

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38.	Application for preliminary advice or for search of Register	<ul style="list-style-type: none"> - Any person can apply for preliminary advice or for search of the Register under section 13 of the Act. - However, an applicant cannot apply for preliminary advice or for search of the Register for the following type of signs: <ul style="list-style-type: none"> (a) series mark (b) collective mark (c) certification mark (d) colour mark (e) sound mark (f) scent mark (g) hologram mark (h) positioning mark (i) sequence of motion (motion mark) - An application for preliminary advice and a search of the register shall be made according to the following requirements: <ul style="list-style-type: none"> (a) be accompanied by the prescribed fee; and (b) contain the information as follows: <ul style="list-style-type: none"> (i) the applicant's name and address of service; (ii) a clear representation of the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
39.	Application for preliminary advice or search of Register for goods and services in more than one class	<ul style="list-style-type: none"> - An applicant may apply in the same application for preliminary advice and a search of the Register for a trademark for goods and services in more than one class. - However, a separate fee is payable for each class. 	
40.	Refund of fee if any absolute or relative grounds is subsequently raised upon the application for registration of trademark	<ul style="list-style-type: none"> - An applicant for an application for registration of a trademark is entitled to a refund of the fee paid for the application for registration of trademark if: <ul style="list-style-type: none"> (a) the applicant, relying on the result of an advice, filed an application for registration of a trademark as soon as the Registrar issues the advice; and (b) a subsequent notification of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>provisional refusal is issued by the Registrar raising any absolute grounds or relative grounds as specified in section 23 or 24 of the Act; and</p> <p>(c) the applicant withdraws the application for registration within one month from receiving the provisional refusal.</p> <ul style="list-style-type: none"> - The request for the refund of fee of filing the application for registration of trademark shall be made with the Registrar together with the payment of the prescribed fee. - However, it should be noted that any request for refund of the fee shall not be applicable if the applicant files the application for registration of trademark after one month from the date of the issuance of the advice. No extension of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		time can be given in this situation.	
REGISTRATION OF TRADEMARKS: REGISTRABILITY OF TRADEMARKS			
41.	Refusal of registration of trademarks which is subject to statutory restriction	<p>- If the application for trademark registration contains any of the following sign, the Registrar shall refuse to accept the application:</p> <p>(a) the words "To counterfeit this is a forgery", "Registered Trademark", "Registered Service Mark", or any words to the like effect in any language;</p> <p>(b) the words "Bunga Raya" and the representations of the hibiscus or any colourable imitation thereof;</p> <p>(c) representations of or words referring to Seri Paduka Baginda Yang di-Pertuan Agong, Ruler of a State or any colourable imitation thereof;</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(d) the representations of any of the royal palaces or of any building owned by the Federal Government or State Government or any other government or any colourable imitation thereof;</p> <p>(e) the word "ASEAN" and the representation of the ASEAN logotype or any colourable imitation thereof;</p> <p>(f) the words "Red Crescent" or "Geneva Cross" and representations of the Red Crescent, the Geneva Cross and other crosses in red, or of the Swiss Federal Cross in white or silver on a red ground, or such representations in a similar colour or colours,</p> <p>unless it appears to the Registrar that consent to its registration and use of the person or authority entitled to give consent has been</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>obtained.</p> <ul style="list-style-type: none"> - Where there appears in a trademark, the registration of which is applied for, a representation of a crescent or a cross in any colour, not being one of those mentioned in (f), the Registrar may require the applicant, as a condition of acceptance, to undertake not to use the crescent or cross device in red, or in white or silver on a red ground, or in any similar colour or colours. - If the applicant did not give to the Registrar consent as requested within the time given by the Registrar, the Registrar will refuse to register the mark. 	
42.	Royal arms, etc.	<ul style="list-style-type: none"> - The Registrar shall refuse to accept any application for the registration of a sign upon which any of the following appears: 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(a) representations of, or mottoes of or words referring to, the royal or imperial arms, crest, armorial bearings or insignia or devices so nearly resembling any of them as to be likely to be mistaken for them;</p> <p>(b) representations of, or mottoes of or words referring to, the royal or imperial crowns, or of the royal, imperial or national flags;</p> <p>(c) representations of, or mottoes of or words referring to, the crests, armorial bearings or insignia of the Malaysian Army, Royal Malaysian Navy, Royal Malaysian Air Force and of the Royal Malaysia Police, or devices so nearly resembling any of the foregoing as to be likely to be mistaken for them.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
43.	Arms of city, etc.	<ul style="list-style-type: none"> - Where a representation of the name, initials, armorial bearings, insignia, orders of chivalry, decorations or flags of any international organisation, state, city, borough, town, place, society, body corporate, institution or person appears on a mark, the Registrar shall consider whether to refuse to accept an application for the registration of the mark unless the consent of such official or other person as appears to the Registrar to be entitled to give consent is filed. 	-
44.	Persons living or recently dead	<ul style="list-style-type: none"> - If the name or representation of any person appears on a trademark which is the subject of an application for registration, the Registrar may, before proceeding to register the mark, require 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the applicant to furnish the Registrar with the consent of the person or, in the case of a person recently dead, of his legal representatives.</p> <ul style="list-style-type: none"> - If the consent is not given to the Registrar within the time specified by the Registrar and the applicant fails to satisfy the Registrar that it is impossible or impracticable in the circumstances of the case to obtain the consent, the Registrar shall refuse to register the mark. 	
45.	Criteria of well-known mark	<ul style="list-style-type: none"> - In determining whether a mark is well-known or not, the following criteria may be taken into account: <ul style="list-style-type: none"> (a) the degree of knowledge or recognition of the mark in the relevant sector of the public; 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(b) the duration, extent and geographical area of any use of the trademark;</p> <p>(c) the duration, extent and geographical area of any promotion of the trademark, including advertising or publicity and the presentation, at fairs or exhibitions, of the goods or services to which the trademark applies;</p> <p>(d) the duration and geographical area of any registrations, or any applications for registration, of the trademark to the extent that they reflect use or recognition of the trademark;</p> <p>(e) the record of successful enforcement of rights in the trademark, in particular, the extent to which the trademark was recognized as well-known by competent authorities;</p> <p>(f) the value associated with the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		trademark.	
46.	Use of trademark on the internet	<ul style="list-style-type: none"> - In determining use of a sign or trademarks, the Registrar or the Court shall have the power to determine such use if it is used on the internet subject to the provisions of the Act and Regulations and the Joint Recommendation Concerning Provisions of Marks, and Other Industrial Property Rights in Signs, on the Internet. 	-
REGISTRATION OF TRADEMARK: APPLICATION FOR REGISTRATION			
47.	Application for registration	<ul style="list-style-type: none"> - An application for the registration of a trademark shall be filed with the Registrar and shall contain a clear indication of the nature of the mark. - The applicant shall indicate any limitation as to colour of trademark in an application for the registration of a 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademark.</p> <ul style="list-style-type: none"> - Where an application is filed, the application shall be subject to the payment of the fee subject to class and series fees as may be prescribed. 	
48.	Application for expedited examination	<ul style="list-style-type: none"> - An applicant who files or has filed an application for the registration of a trademark, may request the Registrar to undertake an expedited examination of the application within one month from the date of filing of the application. No extension of time can be given to extend the time - The request for expedited examination is not applicable to the following type of signs: <ul style="list-style-type: none"> (a) series mark (b) collective mark (c) certification mark 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> (d) colour mark (e) sound mark (f) scent mark (g) hologram mark (h) positioning mark, (i) sequence of motion (motion mark) - A request for expedited examination shall be made to the Registrar and shall be accompanied with: <ul style="list-style-type: none"> (a) the reasons for requesting the expedited examination (b) the prescribed fee. - After an applicant has requested for an expedited examination, the Registrar will expedite the examination only when the Registrar is satisfied that (either one reason): <ul style="list-style-type: none"> (a) the request is in the national or public interest; (b) there are infringement proceedings 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>taking place or evidence showing potential infringement in respect of the trademark applied for;</p> <p>(c) registration of the trademark is a condition to obtain monetary benefits from the Government or institutions recognised by the Registrar; or</p> <p>(d) there are other reasonable grounds which support the request.</p> <p>- An applicant may apply for expedited examination in the same application in respect of goods or services in more than one class, but in that case separate fee is payable for each class.</p>	
49.	Representation of trademarks	<p>- The applicant has to give a clear and durable graphical representation of the mark in the application for registration of</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademark.</p> <ul style="list-style-type: none"> - If the Registrar thinks that the representation provided by the applicant does not sufficiently show the particulars of the mark or does not allow all features of the mark to be properly examined, the Registrar may, by provisional refusal, require the applicant to provide, within such time as the Registrar may specify in the notice, any or all of the following: <ul style="list-style-type: none"> (a) another representation of the mark consisting of a single view of the mark or of several different views of the mark; (b) a description of the mark expressed in words; (c) any other information as the Registrar may require. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="840 284 1459 820">- The Registrar may at any time, if dissatisfied with any representation of a trade mark, require another representation satisfactory to him to be filed before proceeding with the application. In this case, the applicant shall substitute the representation by filing with the Registrar an application to amend an application for registration of trademark. <li data-bbox="840 901 1459 1112">- If the applicant fails to respond to the Registrar's direction concerning the representation of the trademark, the application shall be deemed withdrawn. 	
50.	Claim to priority	<ul style="list-style-type: none"> <li data-bbox="840 1209 1459 1364">- Where a right of priority is claimed by reason of an application for the registration of a trade mark filed in a 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Convention country under section 26 of the Act or in another country or territory in respect of which provision corresponding to that set out in section 26 of the Act is made under section 27 or 28 of the Act (referred to in this rule as the priority application), particulars of that claim shall be included in the application for registration of trademark at the time of filing the application or not later than three days from the date of filing of application.</p> <p>- The particulars needed are:</p> <p>(a) the country or territory in which:</p> <p>(i) the priority application; or</p> <p>(ii) where there is more than one priority application, each priority application, was filed;</p> <p>(b) the date on which:</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(i) the priority application; or</p> <p>(ii) where there is more than one priority application, each priority application, was filed;</p> <p>(c) where the right of priority is claimed in respect of one or more, but not all, of the goods or services for which registration was sought in the priority application, the goods or services in respect of which the right of priority is claimed; and</p> <p>(d) where the right of priority is claimed through more than one priority application, the goods or services in respect of which the right of priority is claimed through each priority application.</p> <p>- The applicant shall file a request to amend the application together with the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>payment of the prescribed fee for the purpose of including the date of priority date claim. The applicant can do so within 3 days from the date of application for registration of the trademarks.</p> <ul style="list-style-type: none"> - The Registrar may at any time, via a notice require the applicant to file a certificate by the registering or other competent authority of the country or territory concerned certifying or verifying to the satisfaction of the Registrar of the following particulars: <ul style="list-style-type: none"> (a) the date of filing of the priority application; (b) the country or territory, or the registering or competent authority; (c) the representation of the mark; and (d) the goods and services covered by the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p style="text-align: center;">priority application.</p> <ul style="list-style-type: none"> - If the Registrar requires the applicant to file the certificate as stated above, the applicant shall file the certificate within two months from the date of the notice. - If the applicant fails to give the certificate within 2 months from the date of the notice, the Registrar shall not consider the priority date claim. - If the certificate is not in the English language, there shall be annexed to the certificate a translation in English of the contents of the certificate, certified or verified to the satisfaction of the Registrar. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
51.	Classification of goods and services	<ul style="list-style-type: none"> - The prescribed system of classification for the purposes of the registration of trademarks is the Nice Classification. - When a trademark is registered, it shall be classified according to the version of the Nice Classification that had effect on the date of application for registration. 	-
52.	Application may relate to more than one class and shall specify the class	<ul style="list-style-type: none"> - Every application shall contain, for each class of goods or services to which the application relates the following particulars: <ul style="list-style-type: none"> (a) the class number as set out in the Nice Classification as in force on the date of that application; and (b) a specification of those goods or services which: <ul style="list-style-type: none"> (i) is appropriate to that class; (ii) is described in such a manner as 	-

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		<p>to:</p> <p>(A) indicate clearly the nature of those goods or services; and</p> <p>(B) allow those goods or services to be classified in accordance with the Nice Classification as in force on the date of that application; and</p> <p>(iii) complies with any other requirement of the Registrar.</p> <ul style="list-style-type: none"> - For the purpose of specifying the specification of goods or services, the applicant may adopt a specification set out in a pick list of goods or services as determined by the Registrar. - An application may be made in respect of more than one class of goods or services in the Nice Classification as in force on 	

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		<p>the date of that application. In such cases, the specification shall set out the classes and list under each class the goods or services to which the application relates.</p> <ul style="list-style-type: none"> - In the case of an application for registration in respect of all the goods or services included in a particular class in the Nice Classification as in force on the date of that application, or of a large variety of goods or services, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered. 	
53.	Translation and transliteration	<ul style="list-style-type: none"> - If a trademark contains or consists of a word or words in characters other than 	-

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		<p>Roman or in a language other than national language or English language, there shall, unless the Registrar otherwise directs, be endorsed on the application form:</p> <p>(a) a translation in national language or English language to the satisfaction of the Registrar and, if the case requires, a transliteration to the satisfaction of the Registrar, of the word or words; and</p> <p>(b) the language to which the word or words belong.</p> <p>- If the applicant gives the translation and/or the transliteration (T&T) on different date from the date of the application, the date of filing shall be recorded by the Registrar on that different date (date of submission of that</p>	

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		<p>T&T).</p> <ul style="list-style-type: none"> - The Registrar may at any time require a copy of the translation or transliteration, certified or verified to the satisfaction of the Registrar, to be filed with the Registrar. If the applicant fails to do so, the application shall be deemed withdrawn. 	
54.	Voluntary disclaimer	<ul style="list-style-type: none"> - The applicant may disclaim any right to the exclusive use of any specified element of the trademark upon filing the application for registration of trademark. - If the applicant does not disclaim any right to the exclusive use of any specified element of the trademark on the day of filing of the application, the Registrar 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>shall proceed to examination accordingly.</p> <ul style="list-style-type: none"> - However, it should be noted that if the Registrar issued a provisional refusal, the applicant may apply for voluntary disclaimer together with amendment of the application. 	
55.	Deficiencies in application for registration of trademark	<ul style="list-style-type: none"> - The Registrar shall send provisional refusal to the applicant to remedy the deficiencies in application for registration in cases where the application does not satisfy the requirements of: <ul style="list-style-type: none"> (a) Application for registration of trademark as laid down in section 17(2) or (3); (b) Any conditions for application for registration; 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(c) any conditions related to representation of the trademark;</p> <p>(d) claim to priority;</p> <p>(e) any conditions related to classes of goods;</p> <p>(f) any conditions on translation and transliteration;</p> <p>(g) in the case of subsection 17(2), the default of payment.</p> <ul style="list-style-type: none"> - A provisional refusal sent by the Registrar for the above reasons shall specify a period within which the applicant shall remedy the deficiencies or the default of payment. - After the Registrar received the applicant's responds on the above particulars, the Registrar after considering the response to remedy the deficiencies may accept or refuse the applicant's response. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>- If, after the expiry of the period given by the Registrar to remedy the deficiencies, the applicant:</p> <p>(a) fails to remedy any deficiency notified to the applicant related to claim to priority, class of goods/services & the specification of goods/services or fails to make payment as required by section 17(2) of the Act relating to the additional matters, the request shall be deemed never to have been made; or</p> <p>(b) fails to remedy any deficiency notified to the applicant in respect of 17(1) of the Act or concerning any condition for application for registration, deficiencies related to representation of trademarks or concerning translation or transliteration, the application shall be deemed</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		withdrawn.	
56.	Date of filing	<ul style="list-style-type: none"> <li data-bbox="835 464 1457 716">- After the Registrar issued a provisional refusal relating to deficiencies in application as stated before, the applicant may apply for extension of time for a maximum period of one month. <li data-bbox="835 802 1457 1328">- If the applicant remedies the deficiencies raised by the Registrar relating to description of the mark, representation of trademark or translation & transliteration within the extended period of one month, the Registrar will issue a new date of filing. The new date of filing that shall be given to the applicant is the date when the applicant remedying the deficiencies. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
57.	Decision of Registrar	<ul style="list-style-type: none"> <li data-bbox="842 321 1459 683">- In the event the Registrar refused any registration after considering the applicant's response on matters concerning deficiencies of application, the Registrar's decision shall be communicated to the applicant in writing. <li data-bbox="842 768 1459 1130">- If the applicant objects to the Registrar's decision, he may, within two months from the date of receipt of the Registrar's decision, file an application for grounds of decision to be stated by the Registrar in writing together with the prescribed fee. 	-
REGISTRATION OF TRADEMARK: EXAMINATION OF APPLICATION FOR REGISTRATION			
58.	Examination of application for	- If, in the course of an examination of an	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	registration, provisional refusal and applicant's response	<p>application for registration, it appears to the Registrar that the requirements for registration are not met or that additional information or evidence is required to meet those requirements, the Registrar shall issue the grounds of provisional refusal to applicant.</p> <ul style="list-style-type: none"> - The application shall be deemed withdrawn, if, within the period stated in the provisional refusal of the Registrar, the applicant fails to: <ul style="list-style-type: none"> (a) make representations in writing; (b) apply to the Registrar for a hearing together with the payment of prescribed fee; (c) apply to amend the application so as to meet the conditions, amendments, modifications or limitations; or (d) furnish the additional or any other 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p style="text-align: center;">information or evidence.</p> <ul style="list-style-type: none"> - The applicant may apply for extension of time to extend the time to respond to Registrar's provisional refusal for a maximum period of six months. - If the applicant has applied to the Registrar for a hearing rather than making written representations, the Registrar shall give notice to the applicant of a date on which the Registrar will hear the applicant's arguments. - The Registrar shall consider the written representations, arguments during the hearing, application to amend the application or the additional or any other information or evidence to overcome the provisional refusal raised by the Registrar. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="842 342 1459 651">- The decision of the Registrar after considering the representations of the applicant given either during the hearing or in writing, shall be communicated to the applicant in writing as determined by the Registrar. <li data-bbox="842 773 1459 1195">- If the applicant objects to the Registrar's decision after the applicant make representations in writing or raise their arguments during hearing, the applicant shall, within two months after the date of the Registrar's decision, file a request to the Registrar to state the Registrar's grounds of decision. <li data-bbox="842 1276 1459 1365">- The Registrar may, within 2 months after the date of the request for the grounds of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>decision, send the grounds of decision to the applicant.</p> <ul style="list-style-type: none"> - No extension of time shall be given for the purpose of extending the period to request for the Registrar's grounds of decision. - The date on which the Registrar's grounds of decision are issued to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal in Court. - Any appeal to the Court shall be made within one month from the date of the Registrar's grounds of decision. - An applicant may apply for an extension of time to file an appeal to Court after the applicant received the Registrar's grounds of decision for a period of one 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		month and not more than two months.	
59.	Registrar's acceptance	<ul style="list-style-type: none"> - After examining the application for registration, where the Registrar finds that the application fulfils the requirements for registration, the Registrar may accept the application absolutely or subject to the disclaimers, conditions, amendments, modifications or limitations. 	-
60.	Publication of application for registration	<ul style="list-style-type: none"> - An application which has been accepted for registration shall be published in the Intellectual Property Official Journal. - After publishing the application in Intellectual Property Official Journal, the Registrar may give written notification of the publication to the applicant. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
61.	Revocation of acceptance	<ul style="list-style-type: none"> <li data-bbox="835 321 1455 797">- After the acceptance and before registration of the trademark, if the Registrar is satisfied that the application has been accepted in error or that in the special circumstances of the case the trademark shall not be registered or shall be registered subject to additional or different conditions or limitations, the Registrar may revoke the acceptance. <li data-bbox="835 878 1455 1354">- In revoking the acceptance, the Registrar shall publish such revocation of acceptance in Intellectual Property Official Journal and issue a provisional refusal in writing to the applicant to: <ul style="list-style-type: none"> <li data-bbox="888 1154 1381 1187">(a) make representations in writing; <li data-bbox="888 1211 1415 1243">(b) apply to the Registrar for a hearing; <li data-bbox="888 1268 1455 1354">(c) apply to amend the application so as to meet the conditions, amendments, 	-

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		<p style="text-align: center;">modifications or limitations; or (d) furnish the additional or any other information or evidence.</p> <ul style="list-style-type: none"> - If the applicant fails to respond to the provisional refusal within the time as specified by the Registrar, the application shall be deemed as withdrawn. - If the applicant has applied to the Registrar for a hearing, the Registrar shall give notice to the applicant of a date on which the Registrar will hear the applicant's arguments. - The Registrar shall consider the representations in writing, arguments during the hearing, application to amend the application or the additional or any other information or evidence to overcome the provisional refusal raised 	

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		<p>by the Registrar.</p> <ul style="list-style-type: none"> - The decision of the Registrar after considering the representations of the applicant given either during the hearing or in writing, shall be communicated to the applicant in writing as determined by the Registrar. - If the applicant objects to the Registrar's decision after the applicant make representations in writing or raise their arguments during hearing, the applicant shall, within two months after the date of the Registrar's decision, file a request to the Registrar to state the Registrar's grounds of decision. - The Registrar may, within 2 months after the date of the request for the grounds of decision, send the grounds of decision to 	

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		<p>the applicant.</p> <ul style="list-style-type: none"> - No extension of time shall be given for the purpose of extending the period to request for the Registrar's grounds of decision. - The date on which the Registrar's grounds of decision are issued to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal in Court. - Any appeal to the Court shall be made within one month from the date of the Registrar's grounds of decision. - An applicant may apply for an extension of time to file an appeal to Court after the applicant received the Registrar's grounds of decision for a period of one 	

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		month and not more than two months.	
REGISTRATION OF TRADEMARK: AMENDMENT OF APPLICATION			
62.	Amendment of application	<ul style="list-style-type: none"> - An applicant may file an application to amend an application for registration together with the prescribed fee with the Registrar to make: <ul style="list-style-type: none"> (a) change or amend the name or address of the applicant; (b) errors of wording or copying; or (c) obvious mistakes; and - The amendments to be made shall not substantially affect the representation of the trademark or extend the goods or 	-

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		<p>services covered by the application.</p> <ul style="list-style-type: none"> - Before acting on an application to amend an application for registration, the Registrar may require the applicant to furnish such proof as the Registrar thinks fit. 	
63.	Amendment of application after publication	<ul style="list-style-type: none"> - If an application is made for an amendment of an application for registration which has been published, and the amendment includes amendment to the representation of the trademark which does not substantially affect the identity of the trademark or the goods or services which does not extend beyond the goods or services initially covered by the application for registration, the amendment shall also be published. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Any person who wishes to oppose the amendment shall, within two months after the date of publication of the amendment, file with the Registrar a notice of opposition to the amendment. - The notice of opposition shall contain a statement of the grounds upon which the person opposes the amendment, including, where relevant, how the amendment would be contrary to ay grounds of opposition as laid down in section 34 of the Act. - Regulations related to opposition proceeding shall apply, with the necessary modifications, to any proceedings arising from the notice of opposition filed following the amendment of application after 	

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		publication.	
REGISTRATION OF TRADEMARK: WITHDRAWAL OF APPLICATION			
64.	Withdrawal of application	<ul style="list-style-type: none"> - An applicant or the person who has been vested with the right under the application who has been recorded in record, may file a request to withdraw an application for registration of a trademark. - Before the Registrar gives effect to the withdrawal request, the Registrar may require the applicant to furnish such proof as the Registrar thinks fit. - If the applicant or the person who has been vested with the right under the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>application which has been recorded in record files a request to withdraw an application for registration of a trademark after publication of acceptance, the Registrar shall publish such withdrawal in the Intellectual Property Official Journal.</p>	
REGISTRATION OF TRADEMARK: RESTRICTION OF GOODS OR SERVICES COVERED IN AN APPLICATION			
65.	Restriction of goods or services covered in an application	<ul style="list-style-type: none"> - An applicant or the person who has been vested with the right under the application which has been recorded in record, may file an application to restrict goods or services covered in an application referred to in section 32 of the Act with the Registrar together with the payment of the prescribed fee. 	-
66.	Restriction of goods or services covered by the application	<ul style="list-style-type: none"> - If an application is made for restriction of goods or services covered by an 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	after publication	<p>application for registration which has been published, the restriction of goods or services shall also be published.</p> <ul style="list-style-type: none"> - Any person who wishes to oppose the restriction of goods or services shall, within two months after the date of publication of the restriction of goods or services, file with the Registrar a notice of opposition to the restriction of goods or services. - The notice of opposition shall contain a statement of the grounds upon which the person opposes the restriction of goods or services, including, where relevant, how the restriction of goods or services would be contrary to any grounds of opposition as laid down in section 34 of the Act. - Regulations related to opposition 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>proceeding shall apply, with the necessary modifications, to any proceedings arising from the notice of opposition filed following the amendment of application after publication.</p> <ul style="list-style-type: none"> - For the purposes of the applying the regulations related to opposition proceedings: <ul style="list-style-type: none"> (a) any reference to the application for registration shall be read as a reference to the application for a restriction of goods or services (b) any reference to the date of publication of the application for registration shall be read as a reference to the date of publication of the restriction of goods or services; (c) any reference to the notice of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>opposition shall be read as a reference to the notice of opposition; and (d) any reference to the opponent shall be read as a reference to the person.</p>	
REGISTRATION OF TRADEMARK: OPPOSITION			
67.	Filing of notice of opposition	<ul style="list-style-type: none"> - Any person may file a notice of opposition to the registration of a trademark together with the payment of the prescribed fee. - The filing of the notice of opposition shall include the statement of the grounds of opposition with the Registrar within two months from the date on which the application was published. - For the purpose of filing notice of 	-

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		<p>opposition, no extension of time shall be given by the Registrar for more than two months after the end of the opposition period.</p> <ul style="list-style-type: none"> - An applicant may oppose the registration of a trademark for goods and services in more than one class, but in that case a separate fee is payable for each class. - Where a notice of opposition is filed on the basis of a registered trademark, there shall be included in the statement of the grounds of opposition a representation of that mark and: <ul style="list-style-type: none"> (a) the details of the authority with which the mark is registered; (b) the registration number of that mark; (c) the goods and services in respect of which: <ul style="list-style-type: none"> (i) that mark is registered, and 	

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		<p>(ii) the opposition is based.</p> <ul style="list-style-type: none"> - If the opposition is based on a trademark in respect of which an application for registration has been made, there shall be included in the statement of the grounds of opposition a representation of that mark and those matters set out in above in (a) to (c), with references to registration being construed as references to the application for registration. - If the opposition is based on an unregistered trademark or other sign or by virtue of earlier rights as laid down under subsection 24(4) in the Act, there shall be included in the statement of the grounds of opposition a representation of that mark or sign and the goods and 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>services in respect of which such protection is claimed.</p> <ul style="list-style-type: none"> - If the opponent fails to comply with the above requirements in filing the notice of opposition, the Registrar shall treat the notice of opposition as has never been filed. - At the same time as filing the notice of opposition and the statement of the grounds of opposition with the Registrar, the opponent shall send a copy of the notice of opposition to the applicant and the date upon which the applicant received the notice of opposition shall be the “date of receipt of notice of opposition”. - The opponent shall file an affidavit of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>service with the Registrar after sending a copy of notice of opposition to the applicant to prove the date of receipt of notice of opposition, within three days from the date of service and failure to do so shall result in the notice of opposition has been deemed withdrawn.</p>	
68.	Filing of counter-statement	<ul style="list-style-type: none"> - Within the period of two months from the date of receipt of notice of opposition, the applicant shall file a counter-statement with the Registrar together with payment of the prescribed fee. - At the same time, the applicant shall also send a copy of the counter-statement to the opponent and the date upon which the opponent received the counter-statement shall, be the “date of receipt of 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>counter-statement”.</p> <ul style="list-style-type: none"> - The applicant shall file an affidavit of service with the Registrar after sending a copy of the counter-statement to the opponent to prove the date of receipt of counter-statement, within three days from the date of service and failure to do so shall result in the counter-statement has been deemed withdrawn. - If the applicant fails to file a counter-statement within the relevant period, the application for registration, in so far as it relates to the goods and services in respect of which the opposition is directed, shall, unless the Registrar otherwise directs, be treated as withdrawn. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
69.	Evidence in support of opposition	<ul style="list-style-type: none"> - Within two months from the date of receipt of the counter-statement, the opponent shall file with the Registrar such evidence by way of statutory declaration as he desires to adduce in support of his opposition. - The opponent shall also at the same time send a copy of that evidence to the applicant. - The date upon which the applicant received the evidence in support of opposition shall be the “date of receipt of evidence in support of opposition”. - The opponent shall file an affidavit of service with the Registrar after sending a copy of the evidence in support of opposition to the applicant to prove the 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>date of receipt of evidence in support of opposition, within three days from the date of service and failure to do so shall result in the evidence in support of opposition has been deemed withdrawn.</p> <ul style="list-style-type: none"> - If no evidence is filed in the manner as stated above, the opposition shall be deemed withdrawn. 	
70.	Evidence in support of application	<ul style="list-style-type: none"> - Within two months from the date of receipt of the evidence in support of opposition, the applicant shall file with the Registrar such evidence by way of statutory declaration as he desires to adduce in support of his application. - The applicant also shall at the same time send a copy of that evidence to the opponent. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 285 1457 488">- The date upon which the applicant received the evidence in support of opposition shall be the “date of receipt of evidence in support of application”. <li data-bbox="835 565 1457 1044">- The applicant shall file an affidavit of service with the Registrar after sending a copy of the evidence in support of application to the opponent to prove the date of receipt of evidence in support of application, within three days from the date of service and failure to do so shall result in the evidence in support of application has been deemed withdrawn. <li data-bbox="835 1068 1457 1214">- If no evidence is filed in the manner stated above, the application shall be deemed withdrawn. 	
71.	Evidence in reply by the	<ul style="list-style-type: none"> <li data-bbox="835 1325 1457 1357">- Within two months from the date of 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	opponent	<p>receipt of evidence in support of application, the opponent may file evidence in reply by way of statutory declaration.</p> <ul style="list-style-type: none"> - The opponent also shall, at the same time, send a copy of that evidence to the applicant. - The date upon which the applicant received the evidence in reply shall be the “date of receipt of evidence in reply”. - Evidence in reply shall be confined to matters strictly in reply to the applicant's evidence. - The opponent shall file an affidavit of service with the Registrar after sending a copy of the evidence in reply to the applicant to prove the date of receipt of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		evidence in reply, within three days from the date of service and failure to do so shall result in the evidence in reply has been deemed withdrawn.	
72.	Further evidence	<ul style="list-style-type: none"> - No further evidence may be filed by either side, except that in any proceedings before him, the Registrar may at any time if he thinks fit give leave to either party to file such further evidence upon such terms as to costs or otherwise as he may think fit. 	-
73.	Exhibits	<ul style="list-style-type: none"> - Where there are exhibits to any statutory declaration filed as evidence in an opposition, the party filing them shall, on the request and at the cost of the other party, send to him a copy or impression of each exhibit. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
74.	Application for voluntary disclaimer during opposition proceeding	<ul style="list-style-type: none"> <li data-bbox="835 321 1459 630">- During opposition proceeding, the applicant may apply for voluntary disclaimer to disclaim any right to the exclusive use of any specified element of the trademark together with amendment of the application. <li data-bbox="835 711 1459 911">- The Registrar, before accepting the voluntary disclaimer as requested by the applicant shall take into consideration of the opponent's consent. <li data-bbox="835 971 1459 1393">- After the Registrar considering the application for voluntary disclaimer, the Registrar may refuse to accept any application for voluntary disclaimer if the application consists or contains any matters which is not allowed under the absolute and relative grounds for refusal of registration under sections 23 and 24 	-

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		of the Act.	
75.	Written submission	<ul style="list-style-type: none"> - Upon completion of the evidence the Registrar shall give notice to the parties of a date by which they may send to the Registrar any arguments or submissions in writing. - The date for sending the written submission shall be within two months from the date of receipt by the parties of the notice given by the Registrar. 	-
76.	Extension of time for opposition proceeding	<ul style="list-style-type: none"> - For the purpose of filing of counter-statement, filing of evidences in support of opposition, filing of evidences in support of application, filing of evidence in reply and filing written submission, the Registrar may grant extension of time upon request by any party to the 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>opposition proceeding upon payment as prescribed.</p> <ul style="list-style-type: none"> - The request for extension of time for the matter as stated above may applied for a period of one month but shall not exceed a maximum period of six months. - The Registrar may require consent of the other party for the purpose of granting the extension of time. - If there is an application for extension of time requested by any party in the opposition proceeding, the party seeking the extension of time shall at the same time inform the other party of the proceeding of the request for extension filed with the Registrar. 	
77.	Circumstances in which	- If:	-

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	<p>opposition may proceed in name of a person other than the person who filed the notice or counter-statement</p>	<p>(a) after a person has filed a notice of opposition, the right or interest on which the person relied to file the notice of opposition becomes vested in another person; and</p> <p>(b) the other person:</p> <p>(i) notifies the Registrar in writing that the right or interest is vested in him or her has been recorded in the record; and</p> <p>(ii) does not withdraw the opposition; the opposition is to proceed as if the notice of opposition had been filed in that other person's name.</p> <p>- Upon the application by the opponent to substitute the name as stated above, the Registrar shall require the opponent to file an application for amendment of document according to section 152.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - If: <ul style="list-style-type: none"> (a) after a person has filed a counter-statement, the right or interest on which the person relied to file the counter-statement becomes vested in another person; and (b) the other person: <ul style="list-style-type: none"> (i) notifies the Registrar in writing that the right or interest is vested in him or her has been recorded in the record; and (ii) does not withdraw the application; <ul style="list-style-type: none"> the opposition is to proceed as if the counter-statement had been filed in that other person's name. - Upon the application by the applicant in the manner as stated above, the Registrar 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>shall require the applicant to file an application for amendment of document according to section 152 of the Act.</p>	
78.	Registrar's decision in opposition proceedings	<ul style="list-style-type: none"> - As soon as may be after the expiration of the period for filing written submission, the Registrar shall consider the evidence and any written submissions or arguments and may within two months communicate to the parties in writing his decision in the matter and the grounds of his decision. - The date on which the Registrar's grounds of decision are issued to the applicant shall be deemed to be the date of the Registrar's decision for the purpose of an appeal in Court. - Any appeal to the Court shall be made 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>within one month from the date of the Registrar's grounds of decision.</p> <ul style="list-style-type: none"> - An applicant may apply for an extension of time to file an appeal to Court in for a period of one month and not more than two months after receiving the Registrar's grounds of decision. 	
79.	Security for costs	<ul style="list-style-type: none"> - If a party giving notice of opposition or a counter-statement neither resides nor carries on business principally in Malaysia, the Registrar may require him to give security, in such form as the Registrar may deem sufficient, for the costs or expenses of the proceedings before him, for such amount as the Registrar may deem fit, and at any stage in the opposition proceedings he may 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>require further security to be given at any time before giving his decision in the case.</p> <ul style="list-style-type: none"> - In default of such security being duly given, the Registrar may treat the application or the opposition, as the case may be, as withdrawn. 	
80.	Costs in uncontested oppositions	<ul style="list-style-type: none"> - In the event of an opposition being uncontested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was lodged. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
REGISTRATION OF TRADEMARK: DEFERMENT			
81.	Deferment of examination or opposition proceeding	<ul style="list-style-type: none"> - A request for deferment of examination of application for registration of trademark or opposition proceeding may be filed with the Registrar together with the payment of fee. - The maximum period of deferment allowed is for the period of six months and may be extended subject to filing of a new request for deferment. - The Registrar in approving the application for deferment of examination of application for registration of trademark shall be subject to the following condition: (a) there is an ongoing application in 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>court relating to the application for registration of trademark owned by the applicant;</p> <p>(b) there is an ongoing application in court involving opposition proceeding relating to the application for registration of trademark owned by the applicant; or</p> <p>(c) any other circumstances as the Registrar deemed fit.</p> <p>- The Registrar in approving the application for deferment of opposition proceeding shall be subject to the following condition:</p> <p>(a) both the opponent and the applicant shall be the parties who are involved in the court proceeding in Malaysia;</p> <p>or</p> <p>(b) any other circumstances as the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		Registrar deemed fit.	
REGISTRATION OF TRADEMARK: REGISTRATION			
82.	Notification of registration	<ul style="list-style-type: none"> - Upon the registration of a trademark, the Registrar shall issue a notification of registration. - The notification of registration shall include: <ul style="list-style-type: none"> (a) trademark registration number; (b) name of the registered proprietor; (c) address of service of the registered proprietor; (d) class of goods or services; (e) specification of goods or services; (f) representation of the trademark; 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(g) period of registration;</p> <p>(h) priority date claimed including multiple priority, if any;</p> <p>(i) condition, voluntary disclaimer or limitation; and</p> <p>(j) any other information as the Registrar deems fit.</p> <p>- The registered proprietor can request for a certificate of registration in addition to the notification of registration by filing the request together with the prescribed fee.</p>	
83.	Death of applicant before registration	<p>- If an applicant for the registration of a trademark dies after the date of his application and before the date the trademark is entered in the Register, the Registrar:</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(a) after the expiration of the time to file a notice of opposition (including any extension of such time); or</p> <p>(b) after the determination of any opposition to the registration,</p> <p>may, on being satisfied that the applicant is deceased, enter in the notification of registration and the Register, in place of the name of the deceased applicant, the name, address and other particulars of the person owning the trademark, on such ownership being proved to the satisfaction of the Registrar.</p> <p>- Before a person may be substituted on an application for registration as stated above, he shall file an application to substitute his name in the notification of registration with the Registrar together with the prescribed fee and the necessary</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		supporting document proving his rights.	
84.	Registration of a series of trademarks	<ul style="list-style-type: none"> - An application for registration of series of trademarks may be made in a single application for registration provided that the series of trademarks comprise of not more than six trademarks. - Requirements on deficiencies of application for registration of trademarks shall also be applicable to an application for registration of series of trademarks. - Where an application for registration of a series of trademarks comprises two or more trademarks, the application shall be subject to the payment of the prescribed fee for each trademark in the series of trademarks. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="840 284 1459 487">- The Registrar shall, if satisfied that the trademarks constitute a series, accept the application subject to section 21 of the Act. <li data-bbox="840 560 1459 1104">- The applicant for registration of a series of trademarks or the proprietor of a registered series of trademarks may request the deletion of a mark in that series at any time by filing a request for amendment or alteration together with the payment of prescribed fee and, following such request, the Registrar shall delete the series trademark accordingly. 	
DIVISION OR MERGER			
85.	Division of application for	- At any time before the registration of a	

No.	Matter	Salient Points of the Proposed Regulations	Comments
	registration of a trademark	<p>trademark application, an applicant in the application for registration of a trademark may apply for division.</p> <ul style="list-style-type: none"> - The application for division may be made for: <ul style="list-style-type: none"> (a) classes within an application; or (b) specific goods or services within an application. - An application for division shall contain the following information: <ul style="list-style-type: none"> (a) the applicant's name and address; (b) the application number of the application for registration; (c) in the case of division of classes, a list of the classes to be divided out; (d) in the case of division of goods or services, a list of the goods or services to be divided out; 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(e) if the application for registration of trademark is subject to a proceeding filed in the Court, a statement that the other party, or parties, to the proceeding have consented to the application for division.</p> <p>- If the Registrar raises any query on the application made above, no extension of time shall be applicable to extend the time to respond to the query as specified in the written notice.</p>	
86.	Effect of division of application for registration of a trademark	<p>- If the Registrar allows an application for division, the part that is divided out:</p> <p>(a) is independent of the original application for registration;</p> <p>(b) retains the filing date of the original application for registration.</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="840 284 1459 706">- Where the request to divide an application is sent after publication of the application, any provisional refusal in respect of, or opposition to, the original application shall be taken to apply to each divisional application, wherever applicable, and shall be proceeded with accordingly. <li data-bbox="840 787 1459 1161">- If an opponent opposed some of the classes of goods or services filed by the applicant in the original application, the Registrar may allow division of the application requested by the applicant but only before the filing of counter-statement. <li data-bbox="840 1242 1459 1388">- Upon the division of the original application in respect of which notice has been given to the Registrar of particulars 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>relating to the grant of a licence, or a security interest or any right in or under it, the notice and the particulars shall be deemed to apply in relation to each of the applications into which the original application has been divided.</p>	
87.	Division of registration of trademark	<ul style="list-style-type: none"> - A registered proprietor of registration of a trademark may apply for division from the registration of: <ul style="list-style-type: none"> (a) classes within the registration; or (b) specific goods or services within the registration. - An application for division of registration of a trademark shall contain the following information: <ul style="list-style-type: none"> (a) the registered proprietor's name and address; (b) the initial registration number of the registration of trademark; 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(c) in the case of division of classes, a list of the classes to be divided out;</p> <p>(d) in the case of division of goods or services, a list of the goods or services to be divided out;</p> <p>(e) if the registered trademark is subject to a proceeding filed in the Court, a statement that the other party, or parties, to the proceeding have consented to the application for division.</p> <p>- If the Registrar raises any query on the application made above, no extension of time shall be applicable to extend the time to respond to the query as specified in the written notice.</p>	
88.	Effect of division of registration	- If the Registrar allows an application for	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	of a trademark	<p>division of a registered trademarks, the part that is divided out:</p> <p>(a) is independent of the original registration of trademark;</p> <p>(b) retains the filing date of the original registration of trademark.</p> <ul style="list-style-type: none"> - No application for division of registration of trademark may be granted in respect of the registration of a trademark which is the subject of proceedings for its revocation or invalidation, where the request would introduce a division amongst the goods or services in respect of which the proceedings are directed. - If the original registration is subject to a condition, disclaimer or limitation, the divisional registrations shall also be restricted accordingly. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - If the original registration has had registered in relation to it particulars relating to: <ul style="list-style-type: none"> (a) the grant of a licence; (b) a security interest; (c) any right in or under that original registration; or (d) any memorandum or statement of the effect of a memorandum, <p>the Registrar shall enter in the Register the same particulars in relation to each of the in divisional registrations into which the original registration has been divided.</p> <ul style="list-style-type: none"> - There will be no extension of time allowed in the application of division. 	
89.	Merger of separate applications or registrations	<ul style="list-style-type: none"> - An applicant for registration of a trademark, or a registered proprietor of a 	<ul style="list-style-type: none"> -

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademark, as the case may be, may apply for the merger of:</p> <ul style="list-style-type: none"> (a) two or more applications; or (b) two or more registrations. <p>- The Registrar may merge the applications or registrations if they fulfill the following conditions:</p> <ul style="list-style-type: none"> (a) the merger is for the identical trademark; (b) have the same filing dates; (c) have the same status, for example, accepted for registration, or registered; (d) are in the name of the same applicant or registered proprietor; (e) have the same address of service of the applicant or registered proprietor; and (f) are classified according to: 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(i) the Nice Classification;</p> <p>(ii) the same previous edition of the Nice Classification, as the case may be.</p> <p>- An application for merger shall fulfill the following conditions:</p> <p>(a) be filed with the Registrar together with the prescribed fee; and</p> <p>(b) contain the information as follows:</p> <p>(i) the applicant's name and address for service;</p> <p>(ii) if the applicant has an agent, the agent's name and address for service;</p> <p>(iii) classes of the goods or services sought to be merged;</p> <p>(iv) the application or registration number of each application or registration sought to be merged.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
90.	Effects of merger	<ul style="list-style-type: none"> <li data-bbox="835 321 1453 797">- No application may be granted in respect of the registration of a trademark which: <ul style="list-style-type: none"> <li data-bbox="888 431 1453 516">(a) is the subject of proceedings for its revocation or invalidation; or <li data-bbox="888 542 1453 797">(b) is the subject of an international registration which has not become independent of the trademark as provided for in accordance with Article 6 of the Madrid Protocol. <li data-bbox="835 878 1453 1133">- Where any registration of a trademark to be merged is subject to a disclaimer, condition or limitation, the merged registration shall also be restricted accordingly. <li data-bbox="835 1214 1453 1360">- Where any registration of a trademark to be merged has had registered in relation to it particulars relating to the grant of a 	-

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		<p>licence or a security interest or any right in or under it, or of any memorandum or statement of the effect of a memorandum, the Registrar shall enter in the Register the same particulars in relation to the merged registration.</p>	
THE REGISTER			
91.	Form of Register	<ul style="list-style-type: none"> - The Register shall be kept in an electronic form or on such medium as the Registrar may determine. - The Register required to be maintained by the Registrar need not be kept in documentary form. 	
92.	Entry in Register of particulars of registered trademark	<ul style="list-style-type: none"> - There shall be entered in the Register in respect of each registered trademark the following particulars: 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(a) the date of the filing of the application for registration;</p> <p>(b) the date of registration;</p> <p>(c) the priority date, if any, accorded pursuant to a claim to a right to priority under section 26, 27 or 28 of the Act;</p> <p>(d) the name and address of the registered proprietor;</p> <p>(e) the name and address of the assignors, licensees or any person who has interest in or charge on the registered trademarks;</p> <p>(f) the address for service of the registered proprietor, assignors, licensees or any person who has interest in or charge on the registered trademarks;</p> <p>(g) where the registered proprietor, assignors, licensees or any person</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>who has interest in or charge on the registered trademarks is represented by a registered trademark agent, the name of the registered trademark agent and his address for service;</p> <p>(h) any condition, amendment, disclaimer, modification or limitation of rights;</p> <p>(i) the goods or services in respect of which the trademark is registered;</p> <p>(j) where the trademark is a collective mark or certification mark, that fact;</p> <p>(k) description of the trademark;</p> <p>(l) where the trademark is registered with the consent of the proprietor of an earlier trademark or other earlier right, that fact; and</p> <p>(m) where the trademark is registered pursuant to a transformation application, the number of the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>corresponding international registration and —</p> <p>(i) the date of that international registration in accordance with Article 3(4) of the Madrid Protocol; or</p> <p>(ii) where the request for extension of protection to Malaysia was made subsequent to that international registration, the date of recordal of that request in accordance with Article 3ter (2) of the Madrid Protocol; and</p> <p>(n) any other particulars as the Registrar may determine from time to time.</p>	
93.	Registration subject to condition, disclaimer or limitation	<ul style="list-style-type: none"> - When the applicant for registration of a trademark applies to the Registrar and he: <ul style="list-style-type: none"> (a) disclaims any right to the exclusive 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>use of any specified element of the trademark; or</p> <p>(b) agrees that the rights arising out of the registration shall be subject to certain conditions or limitations imposed by the Registrar,</p> <p>the Registrar shall publish such condition, disclaimer or limitation and make the appropriate entry in the Register.</p>	
94.	Certificate of validity	<ul style="list-style-type: none"> - If the Court has certified with regard to the validity of a registered trademark as provided under section 143 of the Act, the registered proprietor of the trademark may file a request to the Registrar together with the prescribed fee to add to the entry in the Register a note that a certificate of validity has been granted in the course of the proceedings. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - The proceedings in the course of which the certificate was granted shall be named in the request and the court order shall be filed with the Registrar together with the payment of the prescribed fee. - On receipt of the request to add to the entry in the Register a note that a certificate of validity has been granted, the Registrar shall enter a note into the Register as requested and publish it in the Intellectual Property Official Journal. 	
95.	Extract from Register	<ul style="list-style-type: none"> - Any person may request from the Registrar together with the prescribed fee any of the following: <ul style="list-style-type: none"> (a) a certified extract from the Register pertaining to a registered trademark; 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(b) a certified copy of any entry in the Register pertaining to a registered trademark;</p> <p>(c) non-certified extract from the Register pertaining to a registered trademark; or</p> <p>(d) non-certified copy of any entry in the Register pertaining to a registered trademark.</p>	
96.	Copies of documents relating to a registered trademark	<p>- Any person may request from the Registrar together with the prescribed fee any of the following:</p> <p>(a) a certified copy of any form, pertaining to an application for registration which has become registered, which was filed with the Registrar; or</p> <p>(b) Non-certified copy of any form, pertaining to an application for</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registration which has become registered, which was filed with the Registrar.</p> <ul style="list-style-type: none"> - Any person may apply for a copy of documents stipulated above but it is subject to conditions relating to inspection documents. 	
97.	Public inspection of Register	<ul style="list-style-type: none"> - The Register shall be open for public inspection at the Trademarks Office during the hours of business. - The Register shall be also open for public inspection electronically other than the period where the Registrar suspends the electronic filing system. 	-
CHANGE OF CLASSIFICATION			

No.	Matter	Salient Points of the Proposed Regulations	Comments
98.	Change of classification	<ul style="list-style-type: none"> <li data-bbox="840 316 1459 625">- The Registrar may at any time amend an entry in the Register which relates to the classification of a registered trademark so that it accords with the version of the Nice Classification that has effect at that time. <li data-bbox="840 706 1459 1356">- Before making any amendment to the Register, the Registrar shall give the proprietor of the mark a written notice of the proposed amendments and shall at the same time advise the proprietor that: <ul style="list-style-type: none"> <li data-bbox="892 982 1459 1242">(a) the proprietor may make written objections to the proposals, within two months of the date of the notice, stating the grounds of those objections; and <li data-bbox="892 1266 1459 1356">(b) if no written objections are received within the period specified by the 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Registrar, the Registrar shall publish the proposals and the proprietor shall not be entitled to make any objections to the proposals upon such publication.</p> <ul style="list-style-type: none"> - If the proprietor makes no written objections within the period specified by the Registrar or at any time before the expiration of that period decides not to make any objections and gives the Registrar written notice to this effect, the Registrar shall as soon as practicable after the expiration of that period or upon receipt of the notice publish the proposals in the Intellectual Property Official Journal. - Where the proprietor makes written objections within the period specified by 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the Registrar, the Registrar shall, as soon as practicable after having considered the objections, publish the proposals in the Intellectual Property Official Journal or, where the Registrar has amended the proposals, publish the proposals as amended in the Intellectual Property Official Journal.</p> <ul style="list-style-type: none"> - The Registrar's decision in this matter shall be final and not subject to appeal. - The requirements relating to division may apply for this matter of changing the classification. 	
99.	Opposition to proposals	<ul style="list-style-type: none"> - Any person may, within two months of the date on which the proposals were published, give notice to the Registrar of 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>opposition to the proposals which shall include a statement of the grounds of opposition which shall, in particular, indicate why the proposed amendments would be contrary to any grounds of opposition as provided for in section 34 of the Act.</p> <ul style="list-style-type: none"> - Regulation and procedures relating to opposition proceeding shall be applicable for this matter. - If no notice of opposition is filed within the two months of the date on which the proposals were published, or where any opposition has been determined, the Registrar shall make the amendments as proposed and shall enter in the Register the date when they were made. 	

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REQUEST FOR INFORMATION, INSPECTION OF DOCUMENTS AND CONFIDENTIALITY			
100.	The record	<ul style="list-style-type: none"> - The record shall be kept in an electronic form or on such medium as the Registrar may determine. - The record required to be maintained by the Registrar need not be kept in documentary form. 	-
101.	Entry in record of particulars of application for registration of trademark	<ul style="list-style-type: none"> - The following particulars shall be entered in the record in respect of each application for registration of trademark: (a) the date of the filing of the application 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>for registration of trademark;</p> <p>(b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 26, 27 or 28 of the Act;</p> <p>(c) the name and address of the applicant;</p> <p>(d) the name and address of the assignors, licensees or any person who has interest in or charge on the application for registration of trademark;</p> <p>(e) the address for service of the applicant, assignors, licensees or any person who has interest in or charge on the application for registration of trademarks;</p> <p>(f) where the applicant, assignors, licensees or any person who has interest in or charge on the registered</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademarks is represented by a registered trademark agent, the name of the registered trademark agent and his address for service;</p> <p>(g) any condition, amendment, disclaimer, modification or limitation of rights on the application for registration of trademark, if applicable;</p> <p>(h) the goods or services in respect of which the application trademark is applied for;</p> <p>(i) description of the trademark;</p> <p>(j) where the application for registration of trademark is a collective mark or certification mark, that fact;</p> <p>(k) where the application for registration trademark is applied for has obtained the consent of the proprietor of an earlier trademark or other earlier</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>right, that fact; and</p> <p>(l) where the trademark is application for registration of trademark is made pursuant to a transformation application, the number of the corresponding international registration and:</p> <p>(i) the date of that international registration in accordance with Article3(4) of the Madrid Protocol; or</p> <p>(ii) where the request for extension of protection to Malaysia was made subsequent to that international registration, the date of recordal of that request in accordance with Article 3ter (2) of the Madrid Protocol; and</p> <p>(m) any other particulars as the Registrar may determine from time to time.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
102.	Application for request for information	<ul style="list-style-type: none"> - A request for information relating to an application for registration or to a registered trademark shall be made to the Registrar together with the prescribed fee. 	-
103.	Information available before publication	<ul style="list-style-type: none"> - Before publication of an application for registration, the Registrar shall not make available to the public and any amendments made to it and any particulars contained in an application for registration except as stipulated above as the entry of particulars in the record. - However, this does not prevent the Registrar from making available the decisions of Registrar on any application for registration of trademarks. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
104.	Inspection of documents	<ul style="list-style-type: none"> <li data-bbox="842 318 1459 740">- The Registrar shall permit all documents filed or kept at the Office in relation to a registered trademark or, where an application for the registration of a trademark has been published, in relation to that application, to be inspected upon request made by any person to the Registrar. <li data-bbox="842 821 1459 1300">- However, the Registrar shall not be obliged to permit the inspection of any such document as stated above until the completion of any procedure, or the stage in the procedure which is relevant to the document in question, which the Registrar is required or permitted to carry out under the Act or these Regulations. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - The right of inspection stated above does not apply to: <ul style="list-style-type: none"> (a) any document prepared in the Trademarks Office solely for its own use; (b) any document sent to the Trademarks Office, whether at its request or otherwise, for inspection and subsequent return to the sender; (c) any request for information made under the regulation of application for request information; (d) any document received by the Trademarks Office which the Registrar considers should or applied by the applicant for registration of trademark or registered proprietor to be treated as confidential; (e) any document in respect of which the Registrar has determined that it be 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p style="text-align: center;">treated as confidential.</p> <ul style="list-style-type: none"> - It should be noted that the above regulation shall not be construed as imposing on the Registrar any duty of making available for public inspection: <ul style="list-style-type: none"> (a) any document or part of a document which in the Registrar’s opinion disparages any person in a way likely to cause damage to that person; or (b) any document or information filed at or sent to or by the Office before the commencement of this Act or Regulations; or (c) any document or information filed at or sent to or by the Office after the commencement of this Act or Regulations relating to an application for registration of a trademark under the Trademarks Act 1976. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - The decision of the Registrar relating to matters as set out above in (a) to (c) is final. 	
105.	Confidential documents	<ul style="list-style-type: none"> - Where a document (other than an application form required by the Registrar and has been published) is filed at the Trademarks Office and the person filing it requests at the time of filing that it be treated as confidential, giving reasons for the request, the Registrar may direct that it be treated as confidential and the document shall not be open to public inspection. - Where such direction has been given and not revoked, nothing in this regulation shall be taken to authorize or require any person to be allowed to inspect the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>document which the direction relates except with the consent of the proprietor of the document related to the application for registration of trademarks or registration of trademarks.</p> <ul style="list-style-type: none"> - The Registrar shall not revoke any direction given under this regulation without prior consultation with the person at whose request the direction was given, unless the Registrar is satisfied that such prior consultation is not reasonably practical. - The Registrar may where the Registrar considers that any document issued by the Trademarks Office should be treated as confidential so direct, and upon such direction that document shall not be open to public inspection except by leave 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>of the Registrar.</p> <ul style="list-style-type: none"> - Where a direction is given under this provision for a document to be treated as confidential a record of the fact shall be filed with the document or in the form as determined by the Registrar. 	
RENEWAL OF REGISTRATION OF TRADEMARKS			
106.	Reminder of renewal of registration	<ul style="list-style-type: none"> - At least one month before the expiration of the last registration of a trademark, the Registrar may send to the registered proprietor a notice of the approaching expiration and inform the proprietor at the same time that the registration may be renewed. - If it appears to the Registrar that a trademark may be registered under section 36 at any time within six months 	

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		<p>before or after the date on, or at any time on which renewal would be due (by reference to the date of application for registration), the Registrar shall be taken to have complied with the provision of giving the reminder of renewal if the Registrar sends to the applicant a notice to that effect within one month following the date of actual registration.</p> <ul style="list-style-type: none"> - It should be noted that the Registrar is not subject to any liability by reason of any failure to notify the proprietor and no proceedings lie against the Registrar in respect of any such failure. 	
107.	Renewal of registration	<ul style="list-style-type: none"> - A registered proprietor may file a request for renewal at any time within the period of six months ending on the date of the expiration of the registration or following 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>receipt of a notice from the Registrar relating to reminder of renewal together with the payment of the prescribed fee.</p>	
108.	Late renewal and removal of registration	<ul style="list-style-type: none"> - If on the expiration of the last registration of a trademark the renewal fee has not been paid, the Registrar shall publish that fact. - If, within six months from the date of the expiration of the last registration, a request for renewal is filed accompanied by the appropriate prescribed fee for renewal and surcharge, the Registrar shall renew the registration without removing the mark from the Register. - Where no request for renewal is filed according to the manner above, the 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademark shall be deemed removed from the Register.</p> <ul style="list-style-type: none"> - Where a mark is due to be registered after the date on which it is due for renewal (by reference to the date of application for registration), the request for renewal shall be filed within two months after the date of actual registration together with the payment of prescribed fee of renewal. - The removal of the registration of a trademark shall be published on the Intellectual Property Official Journal. 	
109.	Restoration of registration	<ul style="list-style-type: none"> - Where the registered trademark has been deemed removed from the Register for failure to renew its registration upon expiration or upon renewal & late 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>renewal, the Registrar may, following receipt of a request filed within six months of the date of the removal of the trademark mark accompanied by the restoration fee, restore the mark to the Register.</p> <ul style="list-style-type: none"> - Where a trademark is restored to the Register, the registered proprietor of the trademark may not bring an action for infringement against a third party who, in good faith, has put goods on the market or supplied services under a sign which is identical with or similar to the trademark in respect of the period beginning with the date of expiration of the registration and ending on the date its restoration is published. - The restoration of the registration, 	

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		including the date of restoration, shall be published on the Intellectual Property Official Journal.	
ALTERATION, CORRECTION AND VOLUNTARY CANCELLATION OF REGISTERED TRADEMARK			
110.	Application to alter registered trademarks	<ul style="list-style-type: none"> - The registered proprietor of a trademark may request the Registrar for such alteration of the trademark as laid down under section 42 of the Act. - The Registrar may require evidence as to the circumstances in which the application is made following the request to alter the registered trademark. - If the Registrar require any evidence as 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>mentioned above, the registered proprietor shall file the evidence within the period as stated in the written notice given by the Registrar and may apply for an extension of time to extend the time of filing of the evidence.</p> <ul style="list-style-type: none"> - Where, upon the request of the proprietor, the Registrar proposes to allow such alteration, the Registrar shall publish the trademark as altered in the Intellectual Property Official Journal. - Any person claiming to be affected by the alteration may, within two months of the date on which the mark as altered was published in the Intellectual Property Official Journal, give notice of opposition to the Registrar as to the alteration which shall include a statement of the grounds 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>of opposition under section 34.</p> <ul style="list-style-type: none"> - The opponent shall send notice of opposition to the registered proprietor and the procedure in relation to opposition proceeding shall apply to the proceedings relating to the opposition to the alteration as they apply to proceedings relating to opposition to an application for registration, but with the following modifications: <ul style="list-style-type: none"> (a) any reference to: <ul style="list-style-type: none"> (i) the applicant shall be construed as a reference to the registered proprietor; (ii) an application for registration shall be construed as a reference to a request for alteration; (iii) the person opposing the registration shall be construed as a 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>reference to the person opposing to the alteration;</p> <p>(iv) the opposition shall be construed as a reference to the opposition of the alteration.</p> <p>- Upon successful alteration, the Registrar shall issue a new notification of registration in place of the old notification of registration.</p>	
111.	Application for correction of registered trademarks	<p>- An application to the Registrar under section 43 of the Act for correcting an entry in the Register shall be made by the registered proprietor or licensee by filing the application to the Registrar, as the case may be, accompanied by the payment of the prescribed fee.</p> <p>- Every application for correction to</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registered trademarks shall be accompanied by a statement setting out fully the nature of the applicant's interest, the facts on which he bases his case and the relief which he seeks.</p> <ul style="list-style-type: none"> - For the purpose of application for correcting the description of the licensee, the Registrar may request evidence as to the circumstances in which the application is made. - If the Registrar require any evidence as mentioned above, the registered proprietor or licensee shall file the evidence within the period as stated in the written notice given by the Registrar. - The registered proprietor or the licensee may apply for an extension of time to 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>extend the time of filing of the evidence.</p> <ul style="list-style-type: none"> - Upon successful correction, the Registrar shall issue a new notification of registration in place of the old notification of registration. 	
112.	Application to correct the Register to change name or address of the registered proprietor, etc.	<ul style="list-style-type: none"> - An application by: <ul style="list-style-type: none"> (a) the registered proprietor of a trademark; or (b) a licensee of a registered trademark, to change his name or address appearing in the Register shall be filed with the Registrar together with the payment of the prescribed fee. - The Registrar may at any time, on a request by registered proprietor or a licensee, change that name or address in the Register. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 342 1455 1040">- A registered proprietor or a licensee whose registered business address or address for service is altered by a public authority but the address as altered designates the same premises as before shall make a request for the appropriate alteration of the address to the Registrar and if the request is accompanied by a certificate of alteration given by the said authority, the Registrar shall alter the Register accordingly if he is satisfied as to the facts of the case, without payment of fee. <li data-bbox="835 1127 1455 1382">- If the Registrar require any evidence relating to the change of name or the address, the registered proprietor or the licensee shall file the evidence within the period as stated in the written notice and 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>may apply for an extension of time to extend the time of filing of the evidence.</p> <ul style="list-style-type: none"> - Upon successful correction, the Registrar shall issue a new notification of registration in place of the old notification of registration. 	
113.	Application to voluntarily cancel registered trademark or registration in relation to certain goods or services	<ul style="list-style-type: none"> - The registered proprietor may voluntarily apply to cancel the registration of trademark: <ul style="list-style-type: none"> (a) in respect of all the goods or services for which it is registered; or (b) in respect only of those goods or services specified by the registered proprietor in the request. - An application to voluntarily cancel the matter as stated above shall be of no 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>effect unless the registered proprietor in that application:</p> <p>(a) gives the name and address of any person having an interest in the mark; and</p> <p>(b) declares that any such person:</p> <p>(i) has been sent not less than two months' notice of the registered proprietor's intention to cancel the trademark; and</p> <p>(ii) is not affected or if affected consents to the cancellation.</p> <p>- Upon receiving the application, the Registrar shall notify:</p> <p>(a) any person recorded under Part IX of the Act (Trademark as Object of Property) as claiming a right in respect of, or an interest in, the trademark; and</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(b) the person to whom the trademark has been assigned or transmitted in the case where the assignment or transmission of the trademark has not yet been recorded by the Registrar after an application has been made to the Registrar to record such assignment or transmission of the trademark.</p> <ul style="list-style-type: none"> - The Registrar shall, upon the cancellation taking effect, make the appropriate entry in the Register and publish the date of cancellation in the Intellectual Property Official Journal. - If the Registrar raised any query under this regulation, the registered proprietor shall respond to the written notice issued by the Registrar within the specified 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>period in the notice and may apply for an extension of time to extend the time to respond.</p>	
REVOCAION BY REGISTRAR			
114.	Issuance of notice of revocation by Registrar	<ul style="list-style-type: none"> - For the purpose of revocation of registration by the Registrar, the Registrar shall issue a notice of revocation to the: <ul style="list-style-type: none"> (a) registered proprietor; and (b) person recorded under Part IX of the Act (Trademark as Object of Property) as claiming a right in respect of, or an interest in, the trademark, if any. - The Registrar shall state the grounds of revocation in the notice of revocation. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Subject to any direction of the Registrar, the registered proprietor and the person recorded in Part IX of the Act may respond by way of hearing or written submission to the notice of revocation within the time as specified by the Registrar in the notice. - The registered proprietor and the person recorded in Part IX of the Act may apply for extension of time to respond to the notice of revocation for a maximum period of one month. - If the Registrar intends to revoke the registration partially, the Registrar shall require the registered proprietor to file an application for division within two months from the date of the issuance of 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the notice of the revocation if the registered proprietor wishes to respond to the notice of the revocation.</p> <ul style="list-style-type: none"> - If the registered proprietor or the person recorded in Part IX (if any) failed to respond to the notice of revocation within the time, the registered proprietor or the person recorded in Part IX (if any) shall be deemed to agree with the revocation of the registered trademark. - Upon receiving the response from the registered proprietor or the person recorded in Part IX (if any), the Registrar shall consider the arguments of the registered proprietor or the person recorded in Part IX (if any) to overcome the ground of revocation raised by the Registrar. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - The decision of the Registrar after considering the arguments from the registered proprietor or the person recorded in Part IX (if any) shall be communicated to the registered proprietor or that person in writing as the Registrar thinks fit. - Where the registered proprietor or the person recorded in Part IX (if any) objects to the Registrar's decision: <ul style="list-style-type: none"> (a) the registered proprietor or the person recorded in Part IX (if any) shall, within two months after the date of the Registrar's decision, file a request to the Registrar to state the Registrar's grounds of decision; and (b) the Registrar may, within 2 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>months after the date of the request, send the grounds of decision to the registered proprietor.</p> <ul style="list-style-type: none"> - No extension of time shall be given for the purpose of extending the period to request for the Registrar's grounds of decision. - The date on which the Registrar's grounds of decision are issued to the registered proprietor or the person recorded in Part IX of the Act (if any) shall be deemed to be the date of the Registrar's decision for the purpose of an appeal in Court. - Any appeal to the Court shall be made within one month from the date of the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>issuance of the Registrar's grounds of decision.</p> <ul style="list-style-type: none"> - The registered proprietor may apply for extension of time to file an appeal to Court for a period of one month and not more than two months. - The Registrar shall, upon revoking the registration, make the appropriate entry in the Register and such revoked registration shall be subject to further examination or proceedings as determined by the Registrar. 	
REVOCATION ON THE GROUNDS OF NON-USE, INVALIDATION OR CORRECTION OF THE REGISTER			
115.	Application to Court	<ul style="list-style-type: none"> - Sufficient details or information of application relating to revocation on the grounds of non-use, invalidation and 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>correction of the Register involving registered trademark to the Court under the Act shall be filed at the Trademarks Office by the applicant to the application in Court.</p> <ul style="list-style-type: none"> - For the purpose of application to Court as stated above, the application includes all appeals against the decision of the Registrar, application for revocation on the grounds of non-use, invalidation and correction of the Register which involves application for registration or registered trademark and action of infringement in Court including the Court of Appeal and Federal Court where applicable. 	
116.	Order of Court	<ul style="list-style-type: none"> - Where an order is made by the court following the filing of the details or information of application to court in any 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>case under the Act, the person in whose favour the order is made or, if there is more than one, such one of them as the Registrar may direct, shall file a copy of the order with the Registrar and, if correction of the Register is required accompanied by the prescribed fee.</p> <ul style="list-style-type: none"> - The Register shall, where appropriate, correct the Register accordingly after receiving the court order. - If the Registrar considers that an order made by the Court under the Act should be given publicity, he may publish it in the Intellectual Property Official Journal. 	
117.	Publication of the correction of the Register	<ul style="list-style-type: none"> - Publication in the Intellectual Property Official Journal shall be made in respect of all publication following any 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		correction made in the Register whenever required.	
COLLECTIVE MARKS AND CERTIFICATION MARKS			
118.	Application of these Regulations to collective marks and certification marks	<ul style="list-style-type: none"> - The provisions governing trademarks in general shall apply in relation to collective marks and certification marks except if it was expressly excluded from being applied to. - The address of the applicant for the registration of a collective mark or certification mark shall be deemed to be the address of the applicant for the purposes of provisions relating to address for service. 	-
119.	Filing of rules of collective marks and certification marks	<ul style="list-style-type: none"> - Within two months after the date of the application for the registration of a 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>collective mark or certification mark, the applicant shall file with the Registrar:</p> <p>(a) the application to file the rules of collective marks and certification marks together with the prescribed fee; and</p> <p>(b) a copy of the rules governing the use of the mark.</p> <p>- If the applicant does not file the documents stated above within the 2 months, the application for registration of the collective mark or certification mark is deemed withdrawn.</p> <p>- However, the applicant may request for an extension of time to file the documents required for a maximum period of one month.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Take note that if the applicant files the documents within the extended period of one month, the Registrar will issue a new date of filing to the applicant which is the date of filing of the documents (date of submission of the rules of collective mark or certification mark). 	
120.	Filing of amended rules of collective marks and certification marks	<ul style="list-style-type: none"> - When an applicant wants to file amended rules with the Registrar, he shall do so using the steps as laid down in subparagraph 6 (5) of the First Schedule to the Act in relation to a collective mark or in subparagraph 6 (5) of the Second Schedule to the Act in relation to a certification mark. - The application to amend the rules shall be filed with the Registrar together with 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the prescribed fee. A copy of the amended rules with the amendments shown in red must be attached together with the application.</p> <ul style="list-style-type: none"> - The provisions on the amendment of application after publication that has been laid down for other type of mark shall not be applicable for filing amended rules in relation to collective mark or certification mark. 	
121.	Opposition to registration of collective marks and certification marks	<ul style="list-style-type: none"> - Any person may, within two months after the date of the publication of an application for registration of a collective mark or certification mark, give notice of opposition to the Registrar opposing the registration of the collective or certification mark. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Provisions and procedures relating to opposition proceeding shall apply, with the necessary modifications, to the proceedings thereon. 	
122.	Amendment of rules of registered collective marks and certification marks	<ul style="list-style-type: none"> - An application for the amendment of the rules governing the use of a registered collective mark or certification mark shall be filed with the Registrar together with the prescribed fee. - The application shall be accompanied by a copy of the amended rules with the amendments shown in red. - After the Registrar has accepted the amended rules, the Registrar shall publish a notice indicating that the amended rules have been amended by 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the registered proprietor of the collective mark or certification mark and the amended rules may be inspected.</p>	
123.	Opposition of amendment of rules of collective marks and certification marks	<p>- Any person may, within two months after the date of the publication of the notice given by the Registrar on his acceptance of the amended rules file with the Registrar:</p> <p>(a) a notice of opposition to the amendment to the rules; and</p> <p>(b) a statement indicating why the amended rules do not comply with the requirements of subparagraph 6(1) of the First Schedule to the Act, or subparagraph 6(1) of the Second Schedule to the Act, as the case may be.</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="840 284 1459 544">- The person filing the notice and statement as stated above shall, at the same time, serve copies of the notice and statement on the registered proprietor of collective mark or certification mark. <li data-bbox="840 617 1459 933">- Provisions and procedures relating to opposition proceeding shall, with the necessary modifications, apply to the proceedings thereon as they apply to an opposition to an application for registration of a trademark. <li data-bbox="840 1006 1459 1388">- For the purposes of the application of the regulation relating to opposition as mentioned above: <ul style="list-style-type: none"> <li data-bbox="882 1177 1459 1388">(a) references in those provisions to the applicant shall be treated as references to the applicant for the amendment of the rules; 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(b) references in those rules to the application shall be treated as references to the application for the amendment of the rules;</p> <p>(c) references in those rules to the date of the publication of the application for registration shall be treated as references to the date of the publication of the notice given by the Registrar on his acceptance of the amended rules;</p> <p>(d) references in those rules to the notice of opposition shall be treated as references to the notice and statement given by the opponent on his opposition to the amended rules; and</p> <p>(e) references in those rules to the opponent shall be treated as references to the person who filed the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		notice and statement as mentioned above.	
EVIDENCE AND PROCEDURE			
124.	Registrar's discretionary powers	<ul style="list-style-type: none"> - Without prejudice to any of the provisions of the Act or the regulations requiring the Registrar to hear any party to proceedings under the Act or the regulations, or to give such party an opportunity to be heard, the Registrar shall, before exercising any discretionary power vested in him by or under the Act or these Regulations adversely to any party to a proceeding before him, give that party an opportunity to be heard. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
125.	Evidence in proceedings before Registrar	<ul style="list-style-type: none"> <li data-bbox="842 321 1459 630">- In any proceedings before the Registrar under the Act or the regulations, evidence shall be given by way of a statutory declaration, unless otherwise provided by the Act or the regulations or directed by the Registrar. <li data-bbox="842 711 1459 963">- Any statutory declaration used in any proceedings before the Registrar may contain statements of information or belief with the sources and grounds thereof. <li data-bbox="842 1044 1459 1352">- Any such statutory declaration may, in the case of an appeal to the Court, be used before the Court in lieu of evidence by affidavit, and if so used, shall have all the incidents and consequences of evidence by affidavit. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
126.	Statutory declarations	<ul style="list-style-type: none"> - Any statutory declaration required under the Act or the regulations, or used in any proceedings thereunder, shall be made and subscribed as follows: <ul style="list-style-type: none"> (a) in Malaysia, in accordance with the provisions of the Statutory Declarations Act 1960 [Act 13]; (b) in any other part of the world before any court, judge, justice of the peace, magistrate, notary public or other officer authorized by law to administer an oath for the purpose of any legal proceedings. - Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorized as stated above to take 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>a declaration may be admitted without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.</p>	
127.	Notice of seal of officer taking declaration	<ul style="list-style-type: none"> - Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised to take a declaration may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration. 	-
EXTENSION OF TIME AND REINSTATEMENT OF APPLICATIONS, RIGHTS AND THINGS			
128.	Request for extension of time	<ul style="list-style-type: none"> - If, in any particular case, the Registrar is 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>satisfied that the circumstances are such as to justify an extension of the time for doing any act or taking any proceeding under the regulations, not being a time expressly provided in the Act or prescribed by regulation relating to, among others, claim of priority, request for Registrar's grounds of decision, renewal, payment of security for cost for border measures, he may extend the time upon such notice to other parties, and upon such terms as he may direct, and the extension may be granted though the time has expired for doing the act or taking the proceeding.</p> <p>- Every application for an extension of time as stated above shall be filed with the Registrar, whichever is applicable, and stating the circumstances in</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>sufficient detail to enable the Registrar to determine whether the extension is justified and shall be accompanied by the prescribed fee according to each class of goods and services.</p>	
129.	Where non-compliance with time caused by act of person employed in the Trademarks Office	<ul style="list-style-type: none"> - Where, by reason of an act or omission of any person employed in the Trademarks Office, an act or step in relation to an application for the registration of a trademark or any other proceedings before the Registrar, required to be done or taken within a period of time, has not been so done or taken, the Registrar may, notwithstanding the provisions of the regulations, extend the period for doing the act or taking the step by such period as the Registrar considers fit. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - It should be noted that the period of time for doing an act or taking a step as mentioned above may be extended although the period has expired. 	
130.	Reinstatement of application, right or thing	<ul style="list-style-type: none"> - Any person whose: <ul style="list-style-type: none"> (a) application is treated as deemed withdrawn; or (b) right has been abrogated, or thing has ceased to be in force or to exist, by reason that he has failed to comply with any procedural requirement in any proceedings or other matter before the Registrar within the time limit under the Act or specified by the Registrar for complying with that requirement, may request for the reinstatement of the application, right or thing, as the case 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>may be, together with a statutory declaration stating the circumstances in sufficient detail. The details are needed by the Registrar so the Registrar can determine whether the reinstatement is justified or not.</p> <ul style="list-style-type: none"> - The application for reinstatement shall be accompanied with the prescribed fee. - The request for the reinstatement of any application, right or thing as mentioned above: <ul style="list-style-type: none"> (a) shall be made and filed with the Registrar within two months or any time as directed by Court, after the application has been deemed withdrawn under, among others, subsection 17(1), 29(5) or 35(4), the right was abrogated or the thing ceased to be in force or to exist, as the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>case may be;</p> <p>(b) shall not be made unless:</p> <p>(i) the omission which led to the application to be deemed withdrawn was unintentional; or</p> <p>(ii) the failure to comply with a time limit which led to:</p> <p>(A) the right being abrogated; or</p> <p>(B) the thing ceasing to be in force or to exist, was unintentional;</p> <p>and</p> <p>(c) where the omission, or the failure to comply with a time limit, relates to the filing of any document or thing, shall be accompanied by that document or thing not filed or not filed on time, as the case may be.</p> <p>- The Registrar shall allow the reinstatement unless there is a good and</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>sufficient reason to refuse the request.</p> <ul style="list-style-type: none"> - If the Registrar allows the reinstatement, the Registrar shall publish the fact that registration or any rights have been reinstated. - The Registrar shall not allow the reinstatement if it does not satisfy all the requirements as stated above. - The provision on reinstatement as mentioned above shall not be applicable for international registration under the Madrid Protocol unless the Madrid Protocol and the Common Regulations allow. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
INTERNATIONAL TRADEMARK UNDER MADRID PROTOCOL			
131.	Application of Trademarks Act 2019 to international registrations (Madrid Protocol)	<ul style="list-style-type: none"> - The provisions of these Regulations shall apply to an international registration designating Malaysia and a protected international registration designating Malaysia unless there are provisions that expressly stated that it was not applicable. 	
132.	Interpretation	<ul style="list-style-type: none"> - Under the regulations that was made to be applied to an international registration designating Malaysia and a protected international registration designating Malaysia, several terms was defined. The definition of the terms are as follows: (a) “basic application” means an 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>application for registration of a trademark filed with the Registrar under regulation relating to national application for registration and which is used as a basis to file an international application under the Madrid Protocol;</p> <p>(b) “basic registration” means a trademark registered by the Registrar under section 36 of the Act which relates to registration of trademark and which is used as the basis to file an international application under the Madrid Protocol;</p> <p>(c) “Common Regulations” means the Common Regulations under the Madrid Agreement and the Madrid Protocol;</p> <p>(d) “change of ownership” includes assignment or transmission;</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(e) “Contracting Party” means any country or intergovernmental organization party to the Madrid Protocol;</p> <p>(f) “designation” means the request for extension of protection (“territorial extension”) to Malaysia under Article 3ter(1) or (2) of the Madrid Protocol, as the case may be; it also means such extension as recorded in the International Register;</p> <p>(g) “subsequent designation” means the request for extension of protection (“territorial extension”) to Malaysia under Article 3ter(2) of the Madrid Protocol; it also means such extension as recorded in the International Register;</p> <p>(h) “designated Contracting Party” means a Contracting Party for which the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>extension of protection (“territorial extension”) has been requested under Article 3ter(1) or (2) of the Madrid Protocol, as the case may be, or in respect of which such extension has been recorded in the International Register;</p> <p>(i) “a real and effective industrial or commercial establishment in Malaysia” means “a body or corporation incorporated according to the law of Malaysia”</p> <p>(j) “invalidation” means a final decision by the Court invalidating the effects of the protected international registration designating Malaysia with regard to all or some of the goods or services covered by the designation or subsequent designation in Malaysia.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(k) “electronic filing system” means the electronic filing system facility as mentioned in Section 217 of the Act;</p> <p>(l) “holder” refers to the natural person or legal entity in whose name an international registration is recorded in the International Register;</p> <p>(m) “international application” means an application to obtain registration of a trademark under the Madrid Protocol;</p> <p>(n) “International Bureau” means the International Bureau of the World Intellectual Property Organization;</p> <p>(o) “International Register” means the official collection of data concerning international registrations of trademarks maintained by the International Bureau;</p> <p>(p) “international registration” means the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registration of a trademark in the International Register;</p> <p>(q) “Intellectual Property Official Journal” means the Intellectual Property Official Journal designated in section 148 (Intellectual Property Official Journal) of the Act;</p> <p>(r) “Madrid Protocol” means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted in Madrid on June 27, 1989, as amended from time to time;</p> <p>(s) “Registrar” means the Registrar of Trademarks by virtue of section 10 of the Act, and includes an Assistant Registrar of Trademarks;</p> <p>(t) “Office of origin” means the Office of the Contracting Party where, in accordance with Article 2(2) of the</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		Madrid Protocol, the international application was filed.	
133.	Filing and service of form and other documents through electronic filing system	<ul style="list-style-type: none"> - It should be noted that all application for any matters or documents required to be filed with the Registrar relating to international application shall be filed or made, as the case may be, through the electronic filing system, unless otherwise directed by the Registrar. 	-
<p>INTERNATIONAL TRADEMARK UNDER MADRID PROTOCOL: INTERNATIONAL APPLICATIONS ORIGINATING IN MALAYSIA</p>			
134.	International applications originating in Malaysia	<ul style="list-style-type: none"> - This Part makes provision for applications for international registration of trademarks that are to be filed with the International Bureau through the intermediary of the Registrar. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
135.	Entitlement to apply for international registration	<ul style="list-style-type: none"> - Any person who is: <ul style="list-style-type: none"> (a) a national of Malaysia; (b) a body or corporation incorporated according to the law of Malaysia; (c) domiciled in Malaysia; or (d) has a real and effective industrial or commercial establishment in Malaysia, <p>is entitled to file an international application with the Registrar, provided the application for registration of trademark which will be referred to as “basic application” or the registration of trademark which will be referred to as “basic registration”, as the case may be, used as a basis to file the international application is in the name of that person.</p> - Two or more persons may jointly apply 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>for international registration of a trademark as allowed by regulation 8 of the Common Regulations.</p> <ul style="list-style-type: none"> - The applicant of international registration of the trademark shall provide at the request of the Registrar such evidence as may be necessary to satisfy him that the applicant is entitled to make the application in accordance with the requirements that had been stated above. - For the purpose of filing an international application, the application shall be submitted by filing Form MM2(E) together with the payment of handling fee as prescribed to the Registrar. 	
136.	Examination of International	- Where an international application is	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	Applications where Malaysia is the Office of Origin	<p>filed with the Registrar to be transmitted to the International Bureau, the Registrar shall verify that:</p> <p>(a) Malaysia may be considered as the Office of origin for that application upon being satisfied with the fulfilment of the requirements that had been stated above by the applicant; and</p> <p>(b) the relevant particulars appearing in the international application correspond to those appearing in the basic application or basic registration, as the case may be,</p> <p>in accordance with the provisions of the Madrid Protocol and the Common Regulations.</p>	
137.	Certification by the Registrar	- The Registrar shall perform the functions, under the Madrid Protocol, of	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the Office of origin in relation to:</p> <p>(a) the application; and</p> <p>(b) if the application results in an international registration, the international registration.</p> <p>- Where the international application complies with the requirements above, the Registrar shall:</p> <p>(a) certify that the information in the international application corresponds with the information held by the Registrar in respect of the basic application or basic registration, as the case requires;</p> <p>(b) indicate the date of its receipt; and</p> <p>(c) forward the international application to the International Bureau.</p> <p>- Where the international application does not comply with the requirements above,</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the Registrar shall not forward the international application to the International Bureau, and shall inform the applicant to make:</p> <p>(a) corrections;</p> <p>(b) amendments; or</p> <p>(c) payment of handling fee as prescribed,</p> <p>to the international application within the time stipulated by the Registrar, within the limits of two (2) months pursuant to Article 3(4) of the Madrid Protocol.</p> <p>- If the applicant does not make any correction, amendment or payment of handling fee within the 2 months' time as stated above, the international application shall be deemed withdrawn.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - If the international application is corrected or amended to comply with the requirements after the time limits of two months pursuant to Article 3(4) of the Madrid Protocol, the Registrar shall submit the application to the International Bureau after receiving the corrected or amended application. 	
138.	Classification of goods and services	<ul style="list-style-type: none"> - Notwithstanding section 19 of the Act and regulation relating to national classification of goods and services, classification of goods and services of an international application shall be subject to Regulation 9 (4)(xiii) of the Common Regulations where the decision of the International Bureau shall be final. 	-
139.	Ceasing of effect of the basic	<ul style="list-style-type: none"> - If the international application results in 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	application or basic registration	<p>international registration, the Registrar shall notify the International Bureau upon being aware of such event, within the period of 5 years from the date of the international registration, pursuant to Article 6 of the Madrid Protocol, if the basic application or basic registration ceases to have effect because of these reasons:</p> <ul style="list-style-type: none"> (a) voluntary withdrawal; (b) deemed withdrawn; (c) any refusal by Registrar; (d) successful opposition; (e) correction by Court; (f) voluntary cancellation of registered trademark; (g) revocation by Registrar; (h) revocation by Court; or (i) invalidation by the Court, 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>and request the cancellation of the international registration for the goods and services affected.</p>	
<p>INTERNATIONAL TRADEMARK UNDER MADRID PROTOCOL: INTERNATIONAL REGISTRATIONS WHERE MALAYSIA IS A DESIGNATED CONTRACTING PARTY</p>			
140.	Entitlement to protection	<ul style="list-style-type: none"> - An international registration designating Malaysia is, subject to these regulations, entitled to become protected if, had the particulars of the international registration been contained in an application for registration of a trademark under the Act, that application would have satisfied the requirements of the Act and these Regulations for registration of a trademark. - The particulars of the international 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registration as mentioned above means:</p> <p>(a) the name of the holder or each holder; and</p> <p>(b) the information described in regulation relating to application for registration in the Trademarks Regulations.</p> <p>- The requirement in regulation relating to on intent to use is met by the declaration made by the holder of the international registration when designating Malaysia.</p>	
141.	Effects of an international registration or protected international registration of trademark designating Malaysia	<p>- An international registration designating Malaysia shall have the same effects, as from the date of the designation of the international registration or of the subsequent designation of Malaysia, as the case may be, as an application for the</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registration of the mark filed directly with the Registrar under the Act.</p> <ul style="list-style-type: none"> - The date of the designation of the international registration or of the subsequent designation to Malaysia stated above shall be treated as the date of filing under section 17 and 22 of the Act. - If: <ul style="list-style-type: none"> (a) no provisional refusal is notified by the Registrar to the International Bureau in accordance with the Madrid Protocol and the Common Regulations; (b) a provisional refusal has been so notified but has been subsequently withdrawn; or (c) if a statement of grant of protection is 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>sent by the Registrar, the protection of the trademark in Malaysia shall be the same as if the trademark had been registered directly with the Registrar on the date of the designation of the international registration or of the subsequent designation of Malaysia.</p> <ul style="list-style-type: none"> - The holder of a protected international registration designating Malaysia has, subject to these regulations, the same rights and remedies conferred on a registered proprietor of a trademark by the Act and regulations. - References in section 36 of the Act to goods or services in respect of which a trade mark is registered shall be treated as references to goods or services in 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>respect of which a protected international registration designating Malaysia confers protection in Malaysia.</p> <ul style="list-style-type: none"> - Where the holder of an international registration designating Malaysia, by notice in writing sent to the Registrar: <ul style="list-style-type: none"> (a) disclaims any right to the exclusive use of any specified element of the trademark; or (b) agrees that the rights conferred in Malaysia by the international registration shall be subject to a certain conditions or limitations, the Registrar shall enter the disclaimer, condition or limitation in the Register and shall publish the disclaimer, condition or limitation. - Where a protected international registration designating Malaysia is 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>subject to a disclaimer, condition or limitation, the rights conferred in relation to it by the application of section 30 of the Act are restricted accordingly.</p> <ul style="list-style-type: none"> - The remedy for groundless threats of infringement proceedings given by section 61 of the Act applies to a protected international registration designating Malaysia as it applies in relation to a registered trademark. As such: <ul style="list-style-type: none"> (a) the reference in section 61(4) of the Act to the registration of the trademark shall be treated as a reference to the protection of a protected international registration designating Malaysia; and (b) the reference in section 61(5) of the Act to notification that a trade mark is 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registered, or that an application for registration has been made, shall be treated as a reference to notification that a trade mark is a protected international registration designating Malaysia or is the subject of an international application or international registration designating Malaysia.</p>	
142.	Priority	<ul style="list-style-type: none"> - Section 26 of the Act entitles the holder of an international registration designating Malaysia to the registration of his trade mark in priority to other applicants. As such, the provisions of section 26, 27 or 28 of the Act shall apply so as to confer a right of priority in relation to protection of an international registration designating Malaysia, as they apply in relation to registering a trade 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>mark under the Act.</p> <ul style="list-style-type: none"> - The manner of claiming the priority conferred under section 26 of the Act must be determined in accordance with the Madrid Protocol and the Common Regulations. - The date on which the holder is entitled to priority is: <ul style="list-style-type: none"> (a) the date of the international registration, in the case where the request for extension of protection to Malaysia is mentioned in the international application; or (b) the date on which a request for extension of protection to Malaysia is recorded in the international register, in the case where the request is made subsequent to the international 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		registration.	
143.	Additional requirements for non-graphically represented sign	<ul style="list-style-type: none"> <li data-bbox="835 431 1455 1190">- In addition to the fulfilling the requirements of entitlement to protection, where an international registration designating Malaysia is a sign as defined in section 2 which is shape of goods or their packaging, colour, sound, scent, hologram, positioning, sequence of motion or any combination thereof, a copy of the additional requirements on representation of trademarks shall be submitted directly to the Registrar by the holder of that international registration upon the designation or subsequent designation. <li data-bbox="835 1271 1455 1360">- If the trademark that is the subject of the international registration contains or 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>consists of a language other than English, or a word or words in characters other than Roman:</p> <p>(a) the Registrar may require the holder to file with the Registrar an English translation or transliteration of each word; and</p> <p>(b) the Registrar may require the translation or transliteration to be certified to the Registrar's satisfaction.</p> <ul style="list-style-type: none"> - Documents as stated above shall be submitted to the Registrar by way of electronic filing system. - If the requirements stated above are not complied with upon the designation or subsequent designation, the Registrar shall send a provisional refusal to the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>holder to remedy the deficiencies.</p> <ul style="list-style-type: none"> - Provision on deficiencies in application shall be applicable on the holder if the Registrar issued a provisional refusal. - In responding to the provisional refusal and other directions of the Registrar as stipulated in the provisional refusal issued, the holder shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent. 	
144.	Collective marks or certification marks	<ul style="list-style-type: none"> - Collective or certification marks in international registrations designating Malaysia shall be subject to the examination as stated in provisions of sections 29 of the Act and national 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>regulation relating to such marks.</p> <ul style="list-style-type: none"> - In addition to the fulfilling the requirements of entitlement to protection and additional requirements for non-graphically represented sign, the holder shall submit rules of the collective mark or certification mark directly to the Registrar by the holder of that international registration, within two months from the date of the designation or subsequent designation. - If the holder does not file the rules as required above within time, the application shall be deemed withdrawn and the holder has a right to request to extend the time for a maximum period of one month. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 285 1457 597">- If any of the three requirements stated above are not complied with upon the designation or subsequent designation, the Registrar shall send a provisional refusal to the holder to remedy the deficiencies. <li data-bbox="835 678 1457 878">- The procedures on deficiencies in application shall be applicable on the holder if the Registrar issued a provisional refusal. <li data-bbox="835 959 1457 1328">- In responding to the provisional refusal and other directions of the Registrar as stipulated in the provisional refusal issued above, the holder shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
145.	Examination of international registrations	<ul style="list-style-type: none"> <li data-bbox="835 318 1457 683">- On receiving an international registration designating Malaysia from the International Bureau, the Registrar shall examine whether the international registration satisfies the requirements of regulation relating to entitlement to protection. <li data-bbox="835 764 1457 967">- On examination of the trademarks, the Registrar may carry out a search, to such extent as he considers necessary, of earlier trademarks. 	-
146.	Provisional refusal of protection before opposition	<ul style="list-style-type: none"> <li data-bbox="835 1081 1457 1398">- Upon examining the international registration designating Malaysia and the Registrar finds that it does not fulfil the requirements for registration according to subsection 29(5) or revoke its acceptance according to subsection 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>29(12), the Registrar shall, before the expiry of the refusal period specified in Article 5(2)(b) of the Madrid Protocol:</p> <p>(a) notify to the International Bureau of a provisional refusal of protection, complying with the requirements of the Madrid Protocol and the Common Regulations; and</p> <p>(b) specify in the notification of provisional refusal a period within which the holder may respond.</p> <ul style="list-style-type: none"> - The holder may request for an extension of time to respond to the provisional refusal according to the national regulation relating to extension of time. - In responding to the provisional refusal and other directions of the Registrar as stipulated in the provisional refusal 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>issued under paragraph (1)(a), the holder shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent.</p>	
147.	<p>Publication of international registration which has been accepted</p>	<ul style="list-style-type: none"> - Where Malaysia has been designated in an international registration and the trademark has been accepted, the Registrar shall publish the international registration in the Intellectual Property Official Journal. 	-
148.	<p>Possible notification of provisional refusal based on opposition in accordance with Article 5(2)(c) of the Madrid Protocol</p>	<ul style="list-style-type: none"> - Where the period to file an opposition against an international registration ends after the expiry of the refusal period specified in Article 5(2)(b) of the Madrid Protocol or the Registrar considers that it will end too late for the Registrar to send a notification of provisional refusal based on an opposition within that refusal 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>period, the Registrar shall send a communication informing that fact to the International Bureau, complying with the requirements of the Madrid Protocol and the Common Regulations.</p>	
149.	Provisional refusal based on an opposition	<ul style="list-style-type: none"> - Any person may file with the Registrar a notice of opposition to oppose the conferral of protection on an international registration designating Malaysia within 2 months from the date of publication. - The Registrar may, extend the deadline for filing a notice of opposition if the request was made in accordance to the national regulation on extension of time. - It should be noted that the total extension of time for which the Registrar 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>may allow to file notice of opposition shall not exceed 2 months as to comply with Article 5bis of Madrid Protocol and Regulation 17 of the Common Regulations.</p> <ul style="list-style-type: none"> - National regulation on filing Notice of opposition and Statement of grounds shall apply as to the contents of a notice of opposition and statement of grounds. - Where an opposition is filed with the Registrar against an international registration designating Malaysia, the Registrar shall, before the expiry of the refusal period specified in Article 5(2)(b) or in accordance with Article 5(2)(c) of the Madrid Protocol, notify that fact to the International Bureau as a provisional refusal based on an opposition, 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>complying with the requirements of the Madrid Protocol and the Common Regulations.</p> <ul style="list-style-type: none"> - For the purpose of filing notice of opposition, if the opponent does not fulfill the requirement on address of service, the opponent shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent. 	
150.	Counter-statement and further proceedings	<ul style="list-style-type: none"> - Take note that for the purpose of filing counter-statement for international application, this regulation applies instead of the national regulation relating to counter statement. - A holder of an international registration 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>to whom a notice of opposition has been sent shall file with the Registrar a counter-statement within two (2) months after being notified of the notice of opposition by the International Bureau.</p> <ul style="list-style-type: none"> - If the holder files a counter-statement, he shall comply with the requirements to serve the same on the opponent. - The Registrar may, if requested by the holder extend the deadline for filing a counter-statement provided that the holder comply with the requirements under the national regulation relating to extension of time. - To avoid doubt, if the holder fails to comply to file counter-statement in 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>relation to any class of goods or services in respect of which protection is opposed:</p> <p>(a) the Registrar is entitled to treat the holder's designation or subsequent designation for protection in Malaysia in respect of those goods or services as deemed withdrawn; and</p> <p>(b) the Registrar's refusal applies in respect of those goods or services.</p> <ul style="list-style-type: none"> - The total extension of time for which the Registrar may allow to file counter-statement shall not exceed 6 months. - If the holder has not appointed a registered trademark agent and filed an address of service in Malaysia, the holder shall appoint and authorized a registered trademark and filed an address of service 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>in Malaysia in order to enable him to file the said counter-statement.</p> <ul style="list-style-type: none"> - Upon the filing of a notice of opposition and a counter-statement, national regulation on opposition proceeding starting from the submission of the opponent's evidence in support of opposition shall apply to further proceedings thereon. - For the purposes of applying national regulations relating to opposition proceeding starting from submitting opponent's evidence in support of opposition: <ul style="list-style-type: none"> (a) a reference in those regulations to the applicant shall be treated as a reference to the holder; and (b) a reference in those regulations to the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>application shall be treated as a reference to the international registration designating Malaysia.</p>	
151.	Where there is no ground for refusal and statement of grant of protection is issued	<ul style="list-style-type: none"> - Where: <ul style="list-style-type: none"> (a) all procedures before the Registrar have been completed; (b) the Registrar has not found grounds to refuse protection; (c) the Registrar has not received a notice of opposition; and (d) as a result, has not notified a provisional refusal to the holder <p>the Registrar shall, as soon as possible and before the expiry of the refusal period applicable under Article 5(2) of the Madrid Protocol, send a statement to the International Bureau to the effect that protection is granted to the trademark.</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
152.	Statement of grant of protection following the notification of a provisional refusal	<ul style="list-style-type: none"> - Where the Registrar has notified the International Bureau of a provisional refusal after examination or Provisional Refusal Based on Opposition and all the procedures before the Registrar having been completed, the mark is either totally or partially protected, the Registrar shall send to the International Bureau: <ul style="list-style-type: none"> (a) a statement to the effect that the provisional refusal is withdrawn and that protection of the mark is granted in Malaysia for all the goods and services for which protection has been requested; or (b) a statement indicating the goods and services for which protection of the mark is granted in Malaysia. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - The statement sent to International Bureau shall have the effect that protection is granted to the trademark. 	
153.	Confirmation of total provisional refusal	<ul style="list-style-type: none"> - Where the Registrar has sent to the International Bureau a notification of total provisional refusal after examination or Provisional Refusal Based on Opposition and, all the procedures before the Registrar having been completed, the Registrar has decided to confirm such refusal of protection of the mark in Malaysia for all the goods and services for which protection has been requested, the Registrar shall send to the International Bureau a statement to that effect. 	-
154.	Decision of the Registrar on the	<ul style="list-style-type: none"> - If the holder object to the decision of the 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	confirmation of total provisional refusal	<p>Registrar on the confirmation of total provisional refusal, within one month from the date of the issuance of the confirmation of total provisional refusal, the holder may request the Registrar together with the prescribed fee to state in writing the grounds of, and the materials used by him in arriving at his decision.</p> <ul style="list-style-type: none"> - The date when the grounds of decision is issued to the holder under this regulation shall be deemed to be the date of the Registrar's decision for the purpose of appeal. - The procedures and time limit of filing an appeal in Court for applicant for registration of trademark or parties to opposition proceedings in Malaysia shall 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		be applicable on the holder as well.	
155.	Appeals to Court	<ul style="list-style-type: none"> - Any decision, judgment or order of the Court following the appeal filed as stated above shall be communicated to the International Bureau as a further decision. 	-
156.	Revocation of protection of the protected international registration designating Malaysia	<ul style="list-style-type: none"> - Where the international registration designating Malaysia has become protected in Malaysia following the issuance of statement of grant and the Registrar becomes satisfied of the facts that the protection of the international registration designating Malaysia ought to be revoked according to section 45, he shall issue a notice of revocation by the Registrar. - Provisions on the procedures on the 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>issuance of notice of revocation by the Registrar shall be applicable on the holder.</p> <ul style="list-style-type: none"> - In responding to the notice of revocation and other directions of the Registrar as stipulated in the notice of revocation, the holder shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent. - The decision of the Registrar including the decision of the Court following any appeal filed against the decision in Court under this regulation shall be submitted by the Registrar to the International Bureau as further decision. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
157.	Further decision affecting the protection of a trademark	<ul style="list-style-type: none"> - Where a notification of provisional refusal has not been sent within the applicable time limit under Article 5(2)(b) or in accordance with Article 5(2)(c) of the Madrid Protocol, or, where following the sending of a Statement of Grant of Protection or Statement of Grant of Protection when Provisional Refusal is withdrawn, a further decision, taken by the Office or other authority, affects the protection of a mark in Malaysia shall, to the extent that it is aware of that decision, without prejudice to Regulation 19 of the Common Regulations, send to the International Bureau a further statement indicating the status of the trademark and, where applicable, the goods and services for which the mark is protected in Malaysia. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
158.	<p>Protection:</p> <p>When protection apply to trademark of international registration designating Malaysia</p>	<ul style="list-style-type: none"> - The protections set out for a trade mark that is the subject of an international registration designating Malaysia if: <ul style="list-style-type: none"> (a) the period of 18 months after the date of request has expired and: <ul style="list-style-type: none"> (i) notification of refusal has not been given; and (ii) the International Bureau has not been informed that any notice of opposition may be filed after the expiry of that period; or (b) after the Registrar has examined the international registration and published its particulars in the Intellectual Property Official Journal, one of the following events has occurred: <ul style="list-style-type: none"> (i) the period of 18 months after the date of request has not expired, 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>but the period after the date of publication for filing a notice of opposition has expired without a notification (based on opposition or otherwise) having been given:</p> <p>(ii) the period of 18 months after the date of request expires and the period for giving notice of opposition (including any extended period) expires without a notice of opposition having been given:</p> <p>(iii) notification of refusal has been given in respect of some of the goods or services, and the holder:</p> <p style="padding-left: 40px;">(A) has not responded within the period specified by the Registrar (including any extended period); or</p> <p style="padding-left: 40px;">(B) has not filed a counter-</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>statement within the period given (including any extended period); or</p> <p>(C) has informed the Registrar that the holder does not intend to respond or file a counter-statement:</p> <p>(iv) notification of refusal has been given in respect of all or some of the goods or services and the Registrar notifies the International Bureau that a final decision has been made to the effect that refusal is withdrawn, or withdrawn in respect of some of the goods or services.</p> <p>- As soon as possible after the time when the protections first apply to an international registration designating</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Malaysia, the Registrar must notify the International Bureau that the international registration designating Malaysia is granted protection in Malaysia.</p> <ul style="list-style-type: none"> - In this regulation, goods or services means goods or services in respect of which protection in Malaysia has been requested. 	
159.	When protections extend to protected international registration designating Malaysia, as corrected	<ul style="list-style-type: none"> - The protection set out for a trade mark shall extend to a protected international registration designating Malaysia, as corrected, if: <ul style="list-style-type: none"> (a) the period of 18 months after the date of notification has expired and: <ul style="list-style-type: none"> (i) notification of refusal has not been given; and (ii) the International Bureau has not 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>been informed that any notice of opposition may be filed after the expiry of that period; or</p> <p>(b) after the Registrar has examined the international registration, as corrected, and published the relevant particulars in the Intellectual Property Official Journal, one of the following events has occurred:</p> <p>(i) the period of 18 months after the date of notification has not expired, but the period after that date for filing a notice of opposition has expired without a notification of refusal (based on opposition or otherwise) having been given.</p> <p>(ii) the period of 18 months after the date of notification expires and the period for filing a notice of</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>opposition (including any extended period) expires without a notice of opposition having been filed.</p> <p>(iii) notification of refusal has been given in respect of some of the goods or services and the holder:</p> <p>(A) has not responded within the period specified by the Registrar (including any extended period); or</p> <p>(B) has not filed a counter-statement within the period given (including any extended period); or</p> <p>(C) has informed the Registrar that the holder does not intend to respond or file a counter-statement:</p> <p>(iv) notification of refusal has been</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>given in respect of all or some of the goods or services and the Registrar notifies the International Bureau that a final decision has been made to the effect that the refusal is withdrawn, or withdrawn in respect of some of the goods or services.</p> <ul style="list-style-type: none"> - As soon as possible after the time when the protections first extend to a protected international registration designating Malaysia, as corrected, the Registrar shall notify the International Bureau that the protection has been extended. - In this regulation: <ul style="list-style-type: none"> (a) "date of notification" means the date 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>on which the Registrar receives from the International Bureau a notification of a correction to an international registration</p> <p>(b) “goods or services” means goods or services in respect of which protection in Malaysia would be extended under the international registration, as corrected.</p>	
160.	Protections	<p>- The protections referred to two provisions above are that:</p> <p>(a) the trademark shall be protected as a protected international registration designating Malaysia; and</p> <p>(b) in a case where a refusal applies in respect of some of the goods or services, protection must apply only in relation to the remaining goods or</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>services.</p> <ul style="list-style-type: none"> - A trademark that is protected shall be treated as being registered under the Act on and from: <ul style="list-style-type: none"> (a) the date of the international registration, in the case where the request for extension of protection to Malaysia is mentioned in the international application; or (b) the date on which a request for extension of protection to Malaysia is recorded in the international register, in the case where the request is made subsequent to the international registration. - A protected trademark that is corrected shall be treated as being registered, as corrected, under the Act: 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(a) on and from the date that is 2 months after the date of publication in the Intellectual Property Official Journal; or</p> <p>(b) if a notice of opposition is filed in relation to the correction but was not successfully dealt with.</p> <p>- The provisions here are subject to provisions on replacement.</p>	
161.	Correction: Registrar may examine correction to international registration	<p>- If the Registrar receives from the International Bureau a notification of a correction to either of the following:</p> <p>(a) an international registration designating Malaysia—</p> <p>(i) that the Registrar has examined; but</p> <p>(ii) it has not been granted protections:</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>(b) an international registration in respect of a protected international registration designating Malaysia.</p> <p>- The Registrar may examine whether the international registration, as corrected, continues to satisfy the requirements of entitlement for protection.</p>	
162.	Where Registrar considers requirements on entitlement for protection no longer met	<p>- If the Registrar considers that, in relation to an international registration, as corrected, the requirements on entitlement for protection no longer met, the Registrar shall—</p> <p>(a) give notification of provisional refusal of the correction to the International</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Bureau; and</p> <p>(b) specify in the notification a period within which the holder may respond.</p>	
163.	Where Registrar consider requirements on entitlement for protection are met	<ul style="list-style-type: none"> - If the Registrar is satisfied that the requirements If the Registrar is satisfied that the requirements of regulation 140 are met in relation to some or all of the goods or services specified in the international registration, as corrected, the Registrar shall publish the particulars of the international registration, as corrected, in the Intellectual Property Official Journal. 	
164.	Notice of opposition	<ul style="list-style-type: none"> - Any person may file with the Registrar a notice of opposition to oppose a correction to a protected international registration designating Malaysia within two months after publication in the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p data-bbox="884 285 1388 318">Intellectual Property Official Journal.</p> <ul data-bbox="842 399 1388 545" style="list-style-type: none"> <li data-bbox="842 399 1388 545">- The provisions and procedures on opposition proceedings stated above shall be applicable here. 	
165.	Notification of refusal based on opposition	<ul data-bbox="842 626 1457 1383" style="list-style-type: none"> <li data-bbox="842 626 1457 880">- It must be noted that except where refusal is based on an opposition, a notification of refusal of a correction shall not be given after the expiry of 18 months after the date of notification. <li data-bbox="842 961 1457 1156">- If there is any likelihood that a notice of opposition may be filed after the expiry of 18 months, the Registrar shall inform the International Bureau accordingly. <li data-bbox="842 1237 1457 1383">- A notification of refusal shall set out the matters required by Article 5 of the Madrid Protocol and rule 17 of the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Common Regulations.</p> <ul style="list-style-type: none"> - The Registrar shall notify the International Bureau after any final decision is made if— <ul style="list-style-type: none"> (a) the holder has responded within the period or any extended period; or (b) the holder has filed a counter-statement within the period or any extended period. 	
166.	Correction, revocation and invalidation	<ul style="list-style-type: none"> - The provisions of sections 43, 45, 46 and 47 of the Act shall, with the necessary modifications, apply so as to permit the protection of a protected international registration designating Malaysia to be corrected, revoked or declared invalid. - Where the effects of an international registration are corrected, revoked or 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>invalidated in Malaysia according to section 43, 46 or 47 and the correction, revocation or invalidation is no longer subject to appeal, the Registrar shall, provided that the Registrar is made aware of that decision, notify the International Bureau in accordance with Rule 19 of the Common Regulations.</p>	
167.	<p>Importation of infringing trademark goods: Restriction on importation of infringing trademark goods</p>	<ul style="list-style-type: none"> - These regulations relating to restriction on importation of infringing trademark goods shall apply to a protected international registration designating Malaysia. - The references to a registered trademark shall be treated as references to a protected international registration designating Malaysia. 	
168.	Offences	<ul style="list-style-type: none"> - These regulations on offences shall apply to a protected international registration 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>designating Malaysia.</p> <ul style="list-style-type: none"> - The references to a registered trademark shall be treated as references to a protected international registration designating Malaysia. 	
169.	<p>Other matters: Renewal of international registrations designating Malaysia</p>	<ul style="list-style-type: none"> - International registrations which, in accordance with Article 7 of the Madrid Protocol, have been renewed in respect of Malaysia as a designated Contracting Party shall continue to have effect in Malaysia. 	
170.	<p>Recordings in the International Register</p>	<ul style="list-style-type: none"> - Any recording made in the International Register concerning an international registration designating Malaysia, shall have the same effect as if it had been recorded by the Registrar in the Register. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Where the Registrar considers that the recording referred above has no effect in Malaysia, the Registrar shall, where so provided for in the Regulations under the Protocol, send a communication to the International Bureau to this effect. 	
171.	Declaration that a change in ownership in an international registration has no effect in Malaysia	<ul style="list-style-type: none"> - Where Malaysia is notified by the International Bureau of a change in ownership of an international registration designating Malaysia and the Registrar considers that the recording has no effect in Malaysia, the Registrar shall, where so provided for in the Common Regulations, send a communication to the International Bureau to this effect where the international registration designating Malaysia shall remain in the name of the assignor. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 342 1455 651">- The declaration of no effect referred to above shall indicate the reasons for which the change in ownership has no effect in Malaysia in view of the recordal would be contrary to section 64, 65 or 67. <li data-bbox="835 732 1455 935">- The declaration above shall be sent to the International Bureau before the expiry of the 18 months from the date on which the notification was sent to Malaysia. <li data-bbox="835 1016 1455 1325">- The holder of the international registration designating Malaysia may make representation in writing to the Registrar against the declaration above within the period as specified in the notice relating to the declaration. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> <li data-bbox="835 289 1455 597">- Upon considering the written representation made by the holder, the Registrar may declare that the change in ownership has or has no effect in Malaysia and issue the grounds of the decision to the holder. <li data-bbox="835 662 1455 862">- If the holder objects to the decision of the Registrar above, the holder may file an appeal to Court within one month from the date of the decision of the Registrar. <li data-bbox="835 927 1455 1127">- The holder may request for extension of time for a period of one month but not more than two months to file appeal to Court. <li data-bbox="835 1192 1455 1328">- Any final decision relating to the declaration under this regulation shall be notified to the International Bureau. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - In making representation and other directions of the Registrar as stipulated in the notice, the holder shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent. 	
172.	Declaration that a limitation of goods and services in an international registration has no effect in Malaysia	<ul style="list-style-type: none"> - Where Malaysia is notified by the International Bureau of a limitation of the list of goods and services in an international registration designating Malaysia, the Registrar may declare that the limitation has no effect in Malaysia. The effect of such a declaration shall be that the limitation shall not apply to the goods and services affected by the declaration. - The declaration referred to above shall 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>indicate the reasons for which the limitation of goods and services has no effect in Malaysia in view of the limitation would be contrary to section 32, 33, 42 or 43.</p> <ul style="list-style-type: none"> - The declaration above shall be sent to the International Bureau before the expiry of the 18 months from the date on which the notification was sent to Malaysia. - The holder of the international registration designating Malaysia may make representation in writing to the Registrar against the declaration within the period as specified in the notice relating to the declaration. - Upon considering the written representation made by the holder, the 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Registrar may declare that the change in ownership has or has no effect in Malaysia and issue the grounds of the decision to the holder.</p> <ul style="list-style-type: none"> - If the holder objects to the decision of the Registrar above, the holder may file an appeal to Court within one month from the date of the decision of the Registrar. - The holder may request for extension of time for a period of one month but not more than two months to file appeal to Court. - Any final decision relating to the declaration under this regulation shall be notified to the International Bureau. - In making representation and other 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>directions of the Registrar as stipulated in the notice, the holder shall file with the Registrar an address for service in Malaysia by appointing and authorizing a registered trademark agent.</p>	
173.	Licensing	<ul style="list-style-type: none"> - For recording of license in international registration designating Malaysia, section 65 and 67 and other subsidiary legislation shall apply accordingly. 	
174.	<p>Division:</p> <p>Division of international registration designating Malaysia or protected international trademark designating Malaysia</p>	<ul style="list-style-type: none"> - The provisions on division below shall be applicable on the division of an international registration designating Malaysia or a protected international registration designating Malaysia. 	
175.	Division of international	<ul style="list-style-type: none"> - A holder of an international registration 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	registration designating Malaysia	<p>designating Malaysia may apply to the Registrar for division from the registration of:</p> <p>(a) classes within the registration; or</p> <p>(b) specific goods or services within the registration.</p>	
176.	Division of protected international trademark designating Malaysia	<p>- A holder of a protected international registration designating Malaysia may apply to the Registrar for division from the trademark of:</p> <p>(a) classes within the trademark; or</p> <p>(b) specific goods or services within the trademark.</p>	-
177.	Requirements for application for division	<p>- An application for division shall:</p> <p>(a) be in writing; and</p> <p>(b) contain the following information:</p> <p>(i) the applicant's name and address for service;</p> <p>(ii) if the applicant has an agent, the</p>	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>agent's name;</p> <p>(iii) the number of the international registration or protected international registration designating Malaysia or the Malaysia's application number or registration number;</p> <p>(iv) in the case of a division of classes, a list of the classes to be divided out;</p> <p>(v) in the case of a division of goods or services, a list of the goods or services to be divided out;</p> <p>(vi) if the protected international registration designating Malaysia is subject to a proceeding filed in the Court, a statement that the other party, or parties, to the proceeding have consented to the application for division.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
178.	Registrar shall present application to International Bureau	<ul style="list-style-type: none"> - If the Registrar is satisfied that an application for division is made following the requirements as stated above, the Registrar shall present the application to the International Bureau. 	-
179.	Effect of division of international registration designating Malaysia	<ul style="list-style-type: none"> - If the International Bureau gives notice that the division of an international registration designating Malaysia has been recorded: <ul style="list-style-type: none"> (a) the Registrar shall reflect the division in the Register; and (b) the part that is divided out: <ul style="list-style-type: none"> (i) is independent of the original international registration designating Malaysia; and (ii) retains the filing date of: <ul style="list-style-type: none"> (A) the original international registration; or (B) the date on which a request 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>for extension of protection to Malaysia is recorded in the international register.</p>	
180.	Effect of division of protected international registration designating Malaysia	<ul style="list-style-type: none"> - If the International Bureau gives notice that the division of a protected international registration designating Malaysia has been recorded: <ul style="list-style-type: none"> (a) the Registrar shall reflect the division in the Register; and (b) the part that is divided out: <ul style="list-style-type: none"> (i) is independent of the original trademark; and (ii) retains the filing date of: <ul style="list-style-type: none"> (A) the original international registration; or (B) the date on which a request for extension of protection to Malaysia is recorded in the international register. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
181.	<p>Merger:</p> <p>Merger of international registration designating Malaysia or protected international trademark designating Malaysia</p>	<ul style="list-style-type: none"> - The provisions on merger below shall be applicable on the merger of an international registration designating Malaysia or a protected international registration designating Malaysia. 	-
182.	<p>Merger of international registration designating Malaysia or protected international trademark designating Malaysia</p>	<ul style="list-style-type: none"> - A holder of two or more international registrations designating Malaysia may apply to the Registrar for the merger of two or more of those registrations. - A holder of two or more protected international registration designating Malaysia may apply to the Registrar for the merger of two or more of those trademarks. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
183.	Requirements for application for merger	<ul style="list-style-type: none"> - An application for a merger shall: <ul style="list-style-type: none"> (a) be in writing; and (b) contain the following information: <ul style="list-style-type: none"> (i) the applicant's name and address for service; (ii) if the applicant has an agent, the agent's name; (iii) the number of each international registration designating Malaysia or protected international registration designating Malaysia sought to be merged. 	-
184.	Registrar shall present application for merger to International Bureau	<ul style="list-style-type: none"> - If the Registrar is satisfied that an application of the merger was made following the requirements, the Registrar shall present the application of the merger to the International Bureau. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - If the International Bureau gives notice that the merger has been recorded, the Registrar shall reflect the merger in the Register. 	
TRANSFORMATION OF INTERNATIONAL REGISTRATION DESIGNATING MALAYSIA INTO NATIONAL APPLICATION			
185.	Transformation	<ul style="list-style-type: none"> - Where an international registration designating Malaysia is cancelled at the request of the Office of origin, in accordance with Article 6(4) of the Madrid Protocol, for all or some of the goods and services listed in the international registration, an application may be made to the Registrar, within three months from the date on which the international registration was cancelled, by the person who was the holder of the international registration at the date of 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>its cancellation, for registration of the same trademark (“an application resulting from transformation”), for goods and services covered by the list of goods and services contained in the international registration.</p> <ul style="list-style-type: none"> - The provisions applicable to a trademark application filed directly with the Registrar shall apply mutatis mutandis to an application resulting from transformation. - An application resulting from transformation shall be made on Form MP2 together with the fee and shall include the following: <ul style="list-style-type: none"> (a) a statement that the application is made by way of transformation, (b) the international registration number 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>of the international registration which has been cancelled,</p> <p>(c) the date of the said international registration or the date of the subsequent designation, as appropriate,</p> <p>(d) the date on which the cancellation of the international registration was recorded,</p> <p>(e) where applicable, the date of any priority claimed in the international application and recorded in the International Register.</p> <p>- Where a mark that is the subject of an international registration has become protected in Malaysia on or before the date on which the international registration was cancelled and, provided that all the requirements relating to an</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>application resulting from transformation have been met, that trademark shall be registered by the Registrar.</p> <ul style="list-style-type: none"> - The date of registration shall be the date of the cancelled international registration being designated or the date of the subsequent designation and that registration shall enjoy any priority enjoyed by the cancelled international registration. - Where a mark that is the subject of an international registration has not yet become protected in Malaysia on or before the date on which the international registration was cancelled, any procedures or measures already undertaken on or before the date on 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>which an application resulting from transformation is filed for the purpose of the international registration shall be considered as having been undertaken for the purposes of the application resulting from transformation.</p> <ul style="list-style-type: none"> - The filing date of the application resulting from transformation shall be the date of the designation of the international registration or the date of the subsequent designation. 	
REPLACEMENT OF REGISTRATION BY INTERNATIONAL REGISTRATION			
186.	REPLACEMENT	<ul style="list-style-type: none"> - Where: <ul style="list-style-type: none"> (a) a mark registered in Malaysia is also the subject of an international registration, and the protection resulting therefrom extends to 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>Malaysia;</p> <p>(b) the same person is recorded as holder of the registration in Malaysia and of the international registration;</p> <p>(c) all the goods and services listed in the registration in Malaysia are also listed in the international registration in respect of Malaysia; and</p> <p>(d) the extension of that international registration to Malaysia took effect after the date of registration of the mark in Malaysia,</p> <p>the holder of the international registration may request the Registrar to take note of that international registration in the Register.</p> <p>- A replacement request filed with the Registrar shall be made on Form MP3 together with the fee.</p>	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Where the Registrar has taken note of an international registration, the Registrar shall notify the International Bureau accordingly. - The notification as mentioned above shall indicate the following matters: <ul style="list-style-type: none"> (a) the number of the international registration in question; (b) where some only of the goods and services listed in the international registration are concerned, those goods and services; (c) the filing date and number of the application for registration of the mark in Malaysia; (d) the registration date and number of the registration in Malaysia; (e) the priority date, if any, of the registration in Malaysia; and 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		(f) information relating to other rights acquired by virtue of the registration in Malaysia.	
187.	Evidence of certain matters relating to international registration	<ul style="list-style-type: none"> - In all legal proceedings relating to a protected trademark, the registration of a person as the holder of the protected trademark is <i>prima facie</i> evidence of the validity of the original international registration and of any subsequent assignment or other transmission of it. - Judicial notice shall be taken of the following: <ul style="list-style-type: none"> (a) the Madrid Protocol and the Common Regulations; and (b) a copy of an entry in the International Register issued by the International Bureau. 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<ul style="list-style-type: none"> - Any document from (a) or (b) shall be admissible as evidence of any instrument or other act of the International Bureau thereby communicated. - Evidence of any instrument issued by the International Bureau or any entry in or extract from that instrument may be given in any legal proceedings by production of a copy, and any document purporting to be such a copy shall be received in evidence. - Legal proceeding includes proceedings before the Registrar and Court. 	
188.	Agents	<ul style="list-style-type: none"> - Any act required or authorized by these regulations to be done by or to a person in connection with a request for protection of an international registration as a protected international 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>registration designating Malaysia, or any procedure relating to a protected international registration designating Malaysia, may be done by a Malaysia registered trademark agent appointed by that person or holder, unless expressly stipulated in the regulations above.</p>	
189.	Communication of information to International Bureau	<ul style="list-style-type: none"> - Notwithstanding any provisions of relevant law, the Registrar may communicate to the International Bureau any information that Malaysia is required to communicate by virtue of these regulations or pursuant to the Madrid Protocol or the Common Regulations. 	-
BORDER MEASURES			
190.	Application to restrict importation of infringing	<ul style="list-style-type: none"> - An application under section 82 (Restriction on importation of infringing 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
	trademark goods (Border Measures)	<p>goods) under the Act to the Registrar to restrict the importation of infringing trademark goods into Malaysia by the proprietor or an agent of the proprietor having the power to submit such application shall be made with the Registrar accompanied by the prescribed fee.</p> <ul style="list-style-type: none"> - The application may be made consisting of multiple classes of goods or services and shall state the date, time and place the infringing trademark goods are expected to be imported. - After the Registrar given his approval to the application, the applicant shall within three working days, deposit a security with the Registrar. - Take note that no extension of time shall 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>be applicable to extend the time to deposit the security with the Registrar.</p> <ul style="list-style-type: none"> - If the applicant fails to submit the requested security within the specified time limit, the application to restrict importation of infringing trademark goods under Border Measures shall be deemed withdrawn. - If the applicant gave the security as requested within the given time limit, the Registrar shall notify the authorized officer to take necessary action as provided under subsection 82 (8). - For the purpose of subsection 85(4), the applicant may apply to extend the period specified in the notice with the Registrar for a maximum period of six months. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
OFFENCES			
191.	Filing of complaint to the Assistant Controller of Trade Descriptions	<ul style="list-style-type: none"> - Any person may file complaint to the Assistant Controller of Trade Descriptions to conduct an investigation on any person who has committed or is committing any offence under the Act by filing the complaint together with the payment of the prescribed fee. - The filing of complaint in subregulation (1) may be made through the electronic filing system under Part II and the provisions under Part III and IV shall apply accordingly. 	
192.	Application for the Registrar's verification	<ul style="list-style-type: none"> - Any registered proprietor or the licensee may file a request with the Registrar for the Registrar's verification together with 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the prescribed fee to be submitted to the Assistant Controller according to subsection 112 (3).</p> <ul style="list-style-type: none"> - The request for Registrar’s verification shall be supported with a statutory declaration exhibiting the evidence of the use of the trademark which is not identical with the registered trademark on the goods or services. - The Registrar upon receiving the request for Registrar’s verification by the registered proprietor shall examine the evidence of use and issue the Registrar’s verification declaring that: <ul style="list-style-type: none"> (a) the trademark is confusing similar with the registered trademark; or (b) the trademark is not confusing similar with the registered 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>trademark.</p> <ul style="list-style-type: none"> - The Registrar may, in examining the evidence of use provided for by the registered proprietor above request for further evidence as he deems fit within the period as specified in the notice. - The registered proprietor may apply for an extension of time to extend the period to give to the Registrar further evidence as the Registrar requested for a maximum period of one month. - The Registrar's verification issued by the Registrar shall not be used for other purposes other than for the purposes of investigation by the Assistant Controller of Trade Description under section 112 of the Act. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
MISCELLANEOUS			
193.	Request to amend documents, etc.	<ul style="list-style-type: none"> <li data-bbox="835 402 1457 829">- An applicant, opponent, registered proprietor or any persons who is in a proceeding before the Registrar may request to amend any clerical error or obvious mistake in an application for the registration of trademark, notice of opposition, counterstatement or any documents as the Registrar thinks fit. <li data-bbox="835 906 1457 1166">- The application to amend the documents shall be filed with the Registrar together with the prescribed fee and accompanied by a copy of the amended documents with the amendments shown in red. <li data-bbox="835 1187 1457 1393">- The Registrar, in deciding to allow or not of amendment requested may require the applicant, opponent, registered proprietor or any persons who is in a 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>proceeding before the Registrar to pay the necessary cost to cover the amendment to be made by the opponent or any other party involved in the proceeding before the Registrar.</p>	
194.	Certificate by Registrar	<ul style="list-style-type: none"> - Any person may, by filing a request for the certificate by Registrar accompanied by the prescribed fee, request the Registrar to give a certificate as to any entry, matter or thing which the Registrar is authorized or required by the Act or these Regulations to make or do, other than a notification of registration or certificate of registration issued under subsection 36(2) of the Act. - Before giving a certificate as requested, the Registrar may, if he thinks fit, require 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>the person making the request to show to his satisfaction an interest in the entry, matter or thing in question and if he is not so satisfied he may decline to furnish the certificate.</p> <ul style="list-style-type: none"> - The Registrar shall not be obliged to include in any certificate issued under this regulation a copy of the trademark unless the person making the request has filed a copy suitable for the purpose. 	
195.	Correction of irregularities in procedure	<ul style="list-style-type: none"> - The Registrar may authorize the correction of any irregularity in procedure (including the correction of any document filed) connected with any proceeding or other matter before the Registrar or the Office after being satisfied with the sufficient reason given 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>by the applicant, registered proprietor or any person before the Registrar.</p> <ul style="list-style-type: none"> - Any correction made as mentioned above shall be made: <ul style="list-style-type: none"> (a) after giving the parties such notice; and (b) subject to such conditions, as the Registrar may direct. 	
196.	Excluded days	<ul style="list-style-type: none"> - The following days shall be excluded days for all purposes under the Act and these Regulations: <ul style="list-style-type: none"> (a) all Saturdays and Sundays; (b) all days which are proclaimed as weekends holidays for States; (c) any day specified as or proclaimed to be a public holiday; (d) any day proclaimed to be an excluded 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p style="text-align: center;">day as published in Intellectual Property Official Journal.</p> <ul style="list-style-type: none"> - Whenever the last day fixed by the Act or by these Regulations for doing any act or thing at the Trademarks Office falls on a day which is an excluded day, it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day. - No excluded days shall be applicable to any applicant, registered proprietors or any other parties before any proceedings before the Registrar who uses the electronic filing system for doing any act or thing required under the Act or these Regulations. 	

No.	Matter	Salient Points of the Proposed Regulations	Comments
197.	Interrupted day	<ul style="list-style-type: none"> <li data-bbox="842 321 1459 797">- The Registrar may certify any day as an interrupted day where: <ul style="list-style-type: none"> <li data-bbox="890 431 1459 630">(a) there is an event or circumstance causing an interruption in the normal operation of the Trademarks Office; or <li data-bbox="890 656 1459 797">(b) there is a general interruption or subsequent dislocation in the postal services of Malaysia. <li data-bbox="842 878 1459 1133">- Any certificate of the Registrar made above shall be displayed in the Trademarks Office and published in the in the Intellectual Property Official Journal. <li data-bbox="842 1214 1459 1356">- The Registrar shall, where the time for doing anything under these Regulations expires on an interrupted day, extend 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>that time to the next following day not being an interrupted day or an excluded day.</p>	
198.	Delays in communication services	<ul style="list-style-type: none"> - The Registrar shall extend any time limit in these Regulations where the Registrar is satisfied that the failure to do something under these Regulations was wholly or mainly attributed to a delay in, or failure of, a communication service. - Any extension referred above shall be: <ul style="list-style-type: none"> (a) made after giving the parties such notice; and (b) subject to such conditions, as the Registrar may direct. - Here, “communication service” means a service by which documents may be sent and delivered and includes post and 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		electronic filing system.	
199.	Computation of time	<ul style="list-style-type: none"> - For the purposes of this Act, a period expressed in months and dating from when an event ends: <ul style="list-style-type: none"> (a) on the day, in the relevant subsequent month, which has the same number as the day of the event; or (b) if the relevant subsequent months has no day with the same number – on the first day of the following month. 	-
200.	Non-refundable fees	<ul style="list-style-type: none"> - No fees paid for any purposes under this Act or regulations shall be refundable except for refund of fee following positive result of the Registrar under preliminary advice and search or any other circumstances determined by the Registrar and subject to condition as 	-

No.	Matter	Salient Points of the Proposed Regulations	Comments
		<p>determined by the Registrar.</p> <ul style="list-style-type: none">- The application for refund which is allowed as mentioned above shall be requested with the Registrar together with the payment of the prescribed fee.	

FEES FOR FILING APPLICATION FOR REGISTRATION OF TRADEMARKS, ETC. IN MALAYSIA

No.	Matter	Fees (RM)
1.	Request for preliminary advice and search under section 13 (per class)	250
2.	<p>Application for Registration of Trademark under section 17:</p> <ul style="list-style-type: none"> i) Ordinary trademark ii) Shape mark or its packaging iii) Other types of trademark: sound, smell, hologram, position, motion, colour iv) Collective Mark v) Certification Mark <p>Series of mark for the second and each subsequent mark (maximum of 6)</p>	<p>950 for each number of class - with picklist</p> <p>1,100 for each number of class- without picklist</p> <p>50</p>
3.	Filing of rules of collective mark or certification mark	300
4.	Request for expedited examination of a trademark application	1,000
5.	Application of amendment of application/alteration of registered trademark (representation of the mark)	140

No.	Matter	Fees (RM)
	Application of amendment / restriction / correction of goods or services or other matters	140
	If the correction for registered trademarks	100
	Application of amendment of rules of collective mark or certification mark (pending registration or registered)	140
	Application for amendment of name / address of applicant or correction of name / address of registered proprietor/licensee	20
6.	Withdrawal of application	20
7.	Deferment of examination of an application or opposition proceeding	300
8.	Notice to the registrar in respect of attendance at an ex-parte hearing/hearing for revocation by registrar	150
9.	Request for statement of grounds of decision	1,000
10.	Request for statement of grounds of decision for revocation by Registrar	250

No.	Matter	Fees (RM)
11.	<p>Notice of opposition to:</p> <p><i>(a)</i> the registration of a trade mark, collective mark or certification mark</p> <p><i>(b)</i> an amendment of an application for registration of a trade mark which has been published, where the amendment affects the representation of the trade mark or the goods or services covered by the application for registration</p> <p><i>(c)</i> an application for addition to or alteration of a registered trademark</p> <p><i>(d)</i> an application to amend the regulations governing the use of a registered collective mark or certification mark</p> <p><i>(e)</i> change of classification by Registrar</p>	<p>950</p> <p>600</p> <p>600</p> <p>600</p> <p>600</p>
12.	Filing of Counter-statement	350
13.	Application for certificate of registration	50
14.	Application for division of an application or registered trademark	300

No.	Matter	Fees (RM)
15.	Application for merger of application or registered trademark	100
16.	Renewal (before expiry)	1,000
	Request for late renewal (Renewal + surcharge)	1,200
	Request for restoration (Renewal + restoration)	1,500
17.	Application for correction of register by licensee	100
18.	Application to voluntarily cancellation registered trademark or Registration in relation to certain goods or services	20
19.	Application for i) Correction of Register by Court Order	300
	ii) Revocation of registration by Court Order	300
	iii) Invalidation of Registration by Court	300
	iv) Certificate of Validity	300

No.	Matter	Fees (RM)
	v) Any other Court Order	100
20.	Notification of any application or appeal to Court	20
21.	Filing of complaint to Controller of Trade Descriptions (if file through Electronic Filing System)	10
22.	Application for Registrar's Verification	500
23.	Application to record registrable transaction	
	(a) Assignment	300
	(b) Charge (including Security Interest)	300
	(c) Licensee	100
	(d) Assent by personal representatives	100

No.	Matter	Fees (RM)
24.	Application for variation or cancellation of any recorded registrable transaction: <i>(a)</i> Assignment <i>(b)</i> Charge (including Security Interest) <i>(c)</i> Licensee <i>(d)</i> Assent by personal representatives	 50 50 50 50
25.	Application to restrict on importation of infringing goods	330
26.	Application for the Trademark Agent Examination	500
27.	Application for registration of trademark agent	1,350
28.	Application for renewal of registration of trademark agent	300
29.	Application for voluntary cancellation of registration of trademark agent	50

No.	Matter	Fees (RM)
30.	Application for voluntary deferment of registration of trademark agent	500
31.	Application for change or amend name or address of service of registered trademark agent	20
32.	Application for Appointment, Change or Alteration (OR Termination) Of Registered Trademark Agent's Authority	20
33.	Application by agent to inform intention to cease to act as agent for applicant, registered proprietor or any person	20
34.	Notice to the Registrar of the death of a registered trademark agent	NIL
35.	Filing of notification of Registrar's appearance in Court	20
36.	Filing of request for form or document certified true copy by Registrar	20
37.	Filing of request for certified and sealed by Registrar printed, written copies or extracts from the Register	40
38.	Filing of request for certificate purporting to be under the hand of the Registrar as to any act which he is authorized under this Act to perform	140

No.	Matter	Fees (RM)
39.	Request to amend documents: (a) Application for registration	20
	(b) Notice of opposition	20
	(c) Counterstatement	20
	(d) Any documents that Registrar thinks fit	20
40.	Request for extension of time	50
	For each month	100
41.	Request for extension of time (Opposition Proceeding)	50
	For each month	200
42.	Application to treat documents as confidential	10
43.	Application to revoke treatment of confidentiality documents	10
44.	Application of request for fee refund (preliminary advice and search)	20

No.	Matter	Fees (RM)
45.	Application of request for fee refund (other special circumstances)	20
46.	Application of adaptation of entries in the Register to new classification	100
47.	Request to conduct public search	20
48.	Permitted information upon request (Hit List)	100 for less than 10 pages and 5 for subsequent pages
49.	Filing of documents manually: the first 10 pages (per page of additional pages)	20 1
50.	Request for reinstatement of application or rights	300
51.	Filing Security for Cost for Opposition or Border Measures	20
52.	General form for transitional matters: (a) Insufficient of the Renewal Fee (Section 176)	700
	(b) Conversion of pending application (Section 173)	600
	(c) Amendment of assignment under old Act	100

No.	Matter	Fees (RM)
	(d) Amendment of Registered User to Licensing	50
53.	Appeal for re-scrutiny of result of examination of trademarks agent For each paper	100

FEES FOR INTERNATIONAL REGISTRATION UNDER THE MADRID PROTOCOL

No.	Matter	Form No.	Fee (RM)
1.	Request to transform an international registration into national application(s)	MP1	950
2.	Application to record replacement of registered trademark with national registration	MP2	100
3.	Handling fee for filing of an international application	MP3	300
4.	Request for processing of the divisional request	MP4	300
5.	Request for processing of the request for merger	MP5	100