

Patent Malaysia

MALAYSIA PATENT

A patent is a grant made by government that confers upon the creator of an invention the right to make, use and sell that invention for a set period of time.

{slide=Summary}

Criteria:

A patent has to fulfill the following conditions in order to claim protection.

- it is new
- it involves an inventive step
- it is industrially applicable

Non-Patentable Subject Matter:

An invention is not patentable if it contains the following:

discoveries, scientific theories and mathematical methods

plant or animal varieties or essentially biological processes for the production of plant or animals

schemes, rules or methods for doing business, performing mental acts

Features:

The mark should be distinctive or Capable of differentiation from another's goods or services.

Membership:

Malaysia is a member of the Paris Convention from 1989, whereby applications from convention countries will be subject to the same priority date in Malaysia.

Rule of Priority:

"First to Apply" is the rule followed by Malaysia in determining priority of patents.

{/slide}

{slide=Procedure}

MALAYSIA PATENT APPLICATION

1. Searching

This is the first step before an application is made to file a patent. Although a prior search is optional it helps in determining the existence of filed patents.

2. Application

Every applicant is required to submit an application to the registrar of patents containing the following information :

- a request for the grant of a patent;
- a description;
- a claim or claims;
- A drawing or drawings, where required; and
- An abstract

3. Preliminary Examination

A preliminary examination will be conducted by the Registrar and any amendments or observation on such findings has to be made by the applicant within three months from the date of mailing of the registrar's notification.

4. Substantive Examination

Every applicant has to file a request for a substantive or modified substantive examination, wherein the registrar will refer the application to the examiner. The examiner will then submit a report after examining the application for compliance of regulations. Once the applicant makes observations on the report or amendments as the case may be the examiner will again report to the registrar who will then process the application.

5. Registration

A patent is granted subject to the satisfaction to the registrar on successful completion of all mandatory obligations.

6. Protection

A patent once registered is valid for a term of 20 years and will be subject to protection depending on its further renewal

7. Enforcement Remedies

In infringement proceedings Courts often grant damages, injunctions or any other legal remedies as they deem fit.

{/slide}{slide=Charges}

Patent Application In MALAYSIA Items Official Fees (USD) Professional Fees (USD) Remarks
 1. Filing Patent Application
 - Each claim in excess of 10 claims - USD 5

70270

2. Examination

235

250

Due two years from the date of filing.

3. Issuance Fee

50

200

{/slide}{slide=Documents Required For Filing A Patent Application} Documents Legalization/ Notarization Time of Filing

1. Power of Attorney

No Within 1 month from filing date
 2. Priority Document (If claiming priority) No Within 2 months upon request by the Registry

{/slide}{slide=Maintenance Fees Of Patent} Items Official Fees (USD) Professional Fees (USD) 2nd annuity

70

150 3rd annuity 85

150

4th annuity

100

150

5th annuity 120 150

6th annuity 135

150

7th annuity 150

150

8th annuity 170

150

9th annuity 190

150

10th annuity 200

150

11th annuity 220

170

12th annuity 235

170 13th annuity 270 170 14th annuity 300

170

15th annuity 335

170

{/slide}