

# IPO TENTIAL

## THE LATEST ASEAN INTELLECTUAL PROPERTY UPDATE



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### Merry Christmas & Happy New Year

#### Greetings from Pintas IP Group

Pintas IP Group wishes you a joyous celebration and prosperous days ahead. Also, we are monitoring closely new directions from IP Offices in ASEAN countries.

In the interim, we are giving our best endeavors in ensuring operational continuity for your Asean IP needs through our customer service and e-services platforms, Pintas Digital Platform (eCommerce), and IP Hall Case Management System (management and monitoring module) accessible 24 hours every day.

Once again we thank you for your continued support in this uncertain time, our thoughts go out to those who have been affected by this difficult time and we pray for your good health and well-being.





## **Using Malaysia's New Post-Grant Patent Opposition Regime: Pintas' Strategic Support for Patent Owners**

Malaysia's patent landscape will undergo a significant procedural shift with the implementation of post-grant patent opposition proceedings, effective 31 December 2025, following the coming into force of the Patents (Amendment) Regulations 2025, together with Intellectual Property Corporation of Malaysia ("MyIPO")'s accompanying Directive (PT01-2025) and Practice Notice No. 1/2025.

This long-awaited development operationalises the post-grant opposition framework introduced under the Patents (Amendment) Act 2022, finally providing patent owners and businesses with an administrative mechanism to challenge newly granted patents, without immediately resorting to court invalidation proceedings.

Historically, parties seeking to invalidate a Malaysian patent had no practical option other than High Court litigation. While effective, court proceedings are often expensive, time-intensive, and commercially disruptive, particularly where a competitor's patent is used to delay product launches, restrict market entry, or exert licensing pressure.

The new post-grant opposition regime introduces a front-end validity challenge administered by the Patent Registrar, allowing patent disputes to be addressed early and proportionately, while preserving the right of appeal to the courts where necessary.

For patent owners, this marks a meaningful shift towards strategic patent risk management, aligned with global practices.



In brief, the post-grant opposition framework provides:-

- Eligibility: Any “interested person” may file an opposition
- Strict timeline: Opposition must be filed within six (6) months from publication of grant
- Statutory grounds: Including lack of novelty, lack of inventive step, non-patentable subject matter, insufficiency of disclosure, and defective drawings
- Mandatory security for costs: Failure to furnish security may result in the opposition being rejected
- Structured procedure: Sequential exchange of evidence under the Registrar’s control
- Decision-making: The Registrar, assisted by an ad-hoc Opposition Committee, may maintain, amend, or invalidate the patent
- Appeal: Registrar’s decision is appealable to the High Court

This administrative pathway offers a faster and more cost-efficient alternative to immediate litigation, particularly where commercial timelines are critical.





## **Pintas' Approach: Strategic Post-Grant Opposition for Patent Owners**

As an boutique IP firm, Pintas assist patent owners to use the new regime to proactively shape the competitive landscape. Our post-grant opposition work emphasises:-

### **1. Strategic Claim-Attack Planning**

We assess the competitor patent holistically by claim scope, prosecution history, technical vulnerabilities, and possible commercial impact, before determining whether opposition should aim for revocation, narrowing amendments, or settlement leverage.

### **2. Evidence-Driven Opposition**

Successful opposition depends on how evidence is structured and deployed. Pintas coordinates technical inputs, prior art analysis, and statutory declarations to build a record that is both administratively persuasive and litigation-ready, should escalation become necessary.

### **3. Procedural Precision Under the New Framework**

With mandatory security for costs, prescribed forms, and tightly regulated timelines, procedural missteps can be fatal. Pintas manages the opposition process end-to-end to ensure strict compliance with MyIPO's requirements.

## **Pintas advises and represents patent owners and businesses on:-**

- Post-grant opposition viability and vulnerability assessments;
- Strategic identification and framing of statutory grounds of opposition;
- Preparation of technical evidence and statutory declarations;
- Filing and prosecution of Notices of Opposition, including security for costs planning;
- Tactical management of opposition proceedings before the Registrar; and
- Commercial settlement strategy and High Court appeal support, where required.

At Pintas, we have extensive experience advising local and international clients on contentious patent matters across Malaysia and ASEAN. With the introduction of post-grant patent opposition in Malaysia, we are ready to support patent owners in challenging competitor patents strategically, efficiently, and decisively.

If you would like advice on filing or defending a post-grant opposition, assessing the vulnerability of a competitor's patent, or aligning your patent strategy with the new regulatory framework, please contact Pintas to discuss how our post-grant patent opposition services can support your business objectives.





## **ASEAN IP in Transition: Key Impacts of AIPRAP 2030 on Businesses and Innovators**

ASEAN has released the ASEAN Intellectual Property Rights Action Plan 2026–2030 AIPRAP 2030 (“the Action Plan”) as a regional roadmap to strengthen and modernise the intellectual property (“IP”) ecosystem in line with ASEAN’s longer-term ambitions for a resilient, innovative, dynamic, and people-centred ASEAN by 2045 and the ASEAN Economic Community Strategic Plan 2026–2030. The Action Plan dated 10 December 2025 positions IP as a practical enabler of innovation, competitiveness, digital transformation, and entrepreneurship across ASEAN over the 2026–2030 period.

For ASEAN Member States (“AMS”), the Action Plan matters because it drives policy and operational alignment: a more digitalised IP offices, closer convergence with international practices, stronger regional cooperation mechanisms, and enhanced enforcement coordination. For businesses and individuals entering or scaling in ASEAN, the impact is commercial and risk-based including but not limited to smoother filing and prosecution pathways, more predictable cross-border treatment of IP assets, stronger attention to commercialisation (valuation, financing, marketplaces), and a more coordinated regional push on compliance and enforcement, these are factors that directly affect market entry strategy, IP portfolio planning, investment diligence, and brand/patent risk management.

### **An Overview of The Action Map overview (AIPRAP 2030). Key measures and what they aim to deliver:-**

THEME	IMPLEMENTATION
Strengthen effectiveness of national IPR regimes	Digital transformation of IP offices; smarter tools (including AI); training and capability-building; support for treaty accession/implementation; stronger national IP strategies and analytics-driven planning.
Harmonise regulatory frameworks and advance regional platforms/institutions	Pilot regional digital filing concepts; regionally integrated smart examination tools; enhanced ASEAN IP Portal and ASEAN IP Register; stronger ASPEC outreach; upgraded ASEAN IP Academy and intra-ASEAN training.



THEME	IMPLEMENTATION
Facilitate IP asset creation, management, and commercialisation	Sector-focused research and pilot projects; expansion of IP valuation frameworks; development of IP financing models and pilots; building an ASEAN IP marketplace model; commercialisation hubs (e.g., TISCs, tech transfer offices); MSME/startup accelerator-style support.
Foster ASEAN culture of respect for IP, compliance, and enforcement	Public awareness and education (universities and school curricula); partnerships for regional campaigns; promotion of ADR in IP disputes; comparative work on enforcement systems; updates to ASEAN enforcement handbooks; regular enforcement/compliance forums.
Promote IP for sustainable and inclusive growth	Use of IP to support green funding and sustainability; GI branding and market acceptance; PVP capacity-building and DUS testing cooperation; traditional knowledge protection and benefit-sharing; inclusion programmes (women, youth, persons with disabilities and under-represented creators).

The Action Plan is set for being explicitly “future-ready” and commercially oriented: it does not treat IP as merely a registration system, but as infrastructure for digital government services, cross-border convergence, enforcement credibility, and monetisation of intangible assets. Its emphasis on:-

- (i) smart digital tools and user-centric service delivery;
- (ii) stronger regional mechanisms/platforms;
- (iii) valuation and IP-backed financing; and
- (iv) inclusion and sustainability mirrors the direction seen in other mature IP regions, namely, moving toward digitised prosecution, quality and predictability, stronger enforcement cooperation, and IP as an investable asset class, rather than a purely legal right.

A roadmap of this nature creates opportunities, but also raises the bar on portfolio quality, evidence readiness, and enforcement strategy.

### **How Pintas can support businesses under the Action Plan?**

With over 20 years of experience supporting clients across ASEAN and globally, Pintas provides a full spectrum of intellectual property legal services tailored to the continue evolving regional landscape shaped by the Action Plan. Our practice covers, including but not limited to, IP prosecution and portfolio strategy for patents, trademarks, industrial designs and plant varieties; IP commercialisation and transactions such as licensing, assignments, valuation support and technology transfer; as well as contentious and enforcement work, including oppositions, cancellations, anti-counterfeiting actions, cross-border enforcement coordination, and IP dispute resolution and litigation support. By combining deep regional insight with internationally aligned standards, Pintas assists innovators, rights holders, and investors in protecting, enforcing, and extracting commercial value from their IP assets throughout ASEAN and beyond.

Act fast to secure your complimentary consultation session and position your IP strategy ahead of ASEAN’s evolving regulatory landscape.





## Key Updates to the ASEAN Patent Examination Co-operation Programme: What Innovators and Businesses Need to Know

The Association of Southeast Asian Nations (**“ASEAN”**) has, over the past decade, steadily strengthened regional intellectual property cooperation to support innovation, cross-border investment, and technology commercialisation. One of the most significant outcomes of this effort is the ASEAN Patent Examination Co-operation programme (**“ASPEC”**), a framework that enables participating ASEAN patent offices to rely on each other’s search and examination results to accelerate patent prosecution. In August 2025, ASEAN announced key updates to ASPEC, reflecting a policy-driven recalibration aimed at improving efficiency, predictability, and alignment with international patent prosecution standards.

Prior to this update, ASEAN had introduced several targeted initiatives under ASPEC to address persistent challenges such as long examination timelines and duplicated examination efforts across jurisdictions. Most notably, the Patent Cooperation Treaty - ASEAN Patent Examination Co-operation pilot programme (**“PCT-ASPEC”**) was introduced to allow applicants to leverage international search and examination reports issued under the Patent Cooperation Treaty by selected ASEAN International Searching Authorities or International Preliminary Examining Authorities. In parallel, the ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing pilot programme (**“ASPEC AIM”**) was launched to prioritise examination of patents relating to advanced manufacturing and digital technologies. These measures were intended to shorten time-to-grant and promote innovation-led industrial development within ASEAN.

Following an evaluation of utilisation and effectiveness, ASEAN has now consolidated and refined the ASPEC framework. The key changes are summarised below:-

<u>UPDATE</u>	<u>DESCRIPTION</u>	<u>EFFECTIVE DATE</u>
PCT-ASPEC formalised	The PCT-ASPEC pilot has been confirmed as a permanent feature of ASPEC, allowing applicants to rely on qualifying PCT search and examination reports for accelerated prosecution in ASEAN Member States	Aug 26, 2025
ASPEC AIM discontinued	The ASPEC AIM pilot programme has been discontinued due to low uptake	Aug 26, 2025
Further ASPEC enhancements announced	ASEAN Member States have announced upcoming improvements, including enhanced harmonisation and committed timelines	Early 2026 (expected)



## Practical ASPEC / PCT-ASPEC Filing Checklist

To translate these changes into practical action, applicants should consider the following streamlined filing workflow when pursuing accelerated patent prosecution in ASEAN:-

STEPS	ACTION	KEY CONSIDERATION
1	Identify a corresponding ASEAN application	Must share priority or derive from the same Patent Cooperation Treaty application
2	Obtain qualifying examination results	National search/examination report from an ASEAN office or international reports under PCT-ASPEC
3	Review claim correspondence	Claims in the second application must sufficiently correspond to at least one allowable claim
4	Prepare ASPEC request	Complete ASPEC request form or use the ASEAN IP Portal (where applicable)
5	File in the second IP office	Submit request before final grant or refusal
6	Monitor examination outcome	Accelerated examination remains subject to national patent law and examiner discretion

This simplified checklist allows applicants and patent owners to integrate ASPEC or PCT-ASPEC strategically into their regional filing plans without unnecessary procedural error.

The implementation of these changes delivers clear benefits for businesses, research institutions, and individual innovators operating in or entering the ASEAN market. By institutionalising PCT-ASPEC, ASEAN provides applicants with a more predictable, time-efficient, and cost-effective pathway to regional patent protection. Faster prosecution enables earlier enforcement, licensing, and investment decisions, while reducing administrative duplication. At a regional level, these reforms enhance ASEAN's attractiveness as an innovation hub and signal convergence with established international patent cooperation models, without undermining national examination sovereignty.

With over 20 years of experience supporting clients across ASEAN and globally, Pintas Consulting Group ("Pintas") provides a full spectrum of intellectual property services, including patent prosecution, ASPEC and PCT-ASPEC acceleration strategies, portfolio optimisation, oppositions, invalidation proceedings, and contentious IP litigation. Our professionals regularly advise businesses and innovators on aligning regional patent strategies with commercial objectives. Contact Pintas today to arrange a consultation and ensure your innovations are effectively protected across ASEAN.



## Upcoming IP2Profit Case Study Webinar



**2026 IP<sub>2</sub>P IP2Profit Case Study Series**  
Learn How The World's Top Companies Capitalize on Patent Rights to Protect Their Sustainable Competitive Advantage

**HOSTS:**  
**Lok Choon Hong**, Director of Pintas IP  
**Lee Jia Ee**, Director of GIP Malaysia

**SESSIONS:**  
**Dyson** IP2Profit Case Study: 5 Mar 2026  
**TetraPak** IP2Profit Case Study: 28 May 2026  
**Qualcomm** IP2Profit Case Study: 24 Sept 2026  
**Lego** IP2Profit Case Study: 26 Nov 2026

**REGISTER NOW >**

The **2026 IP2Profit Case Study Series** is an upcoming webinar series designed to uncover how some of the world's most innovative companies strategically use patents to protect their market position, foster innovation, and achieve sustainable competitive advantages. Hosted by **Lok Choon Hong, Director of Pintas IP Group**, and **Lee Jia Ee, Director of GIP Malaysia**, the series is aimed at intellectual property (IP) professionals, entrepreneurs, innovators, and business leaders seeking actionable insights into patent strategies that drive success.

This series will be conducted live via Zoom and feature comprehensive analyses of patent-driven success stories from globally recognized brands. Below are the key sessions scheduled:

### Dyson IP2Profit Case Study

Date: March 5, 2026

Explore Tesla's innovative approach to patents and how the company uses open patents and proprietary IP to dominate the electric vehicle and clean energy markets. This session will delve into Tesla's balance between open innovation and protecting key technologies.

### TetraPak IP2Profit Case Study

Date: May 28, 2026

Learn how Nestlé, a global leader in food and beverage, leverages its extensive patent portfolio to drive innovation in product development, sustainability, and packaging technologies. Discover how IP plays a central role in maintaining market leadership in a competitive industry.

### Qualcomm IP2Profit Case Study

Date: September 24, 2026

Dive into Huawei's comprehensive IP strategy, which has enabled the company to thrive in the highly competitive telecommunications and consumer electronics sectors. This session will highlight Huawei's investments in R&D and its effective use of patents in global markets.

### Lego IP2Profit Case Study

Date: November 27, 2026

Understand how Spotify's innovative patent strategies in music streaming and content recommendation algorithms have helped it maintain a leading position in the digital entertainment industry. This session will focus on how Spotify protects its proprietary technologies while driving customer engagement.

### What You'll Learn:

**Patent Monetization:** Strategies for transforming patents into revenue-generating assets.

**Competitive Positioning:** Insights into how companies use patents to protect and extend their market leadership.

**Innovation Strategies:** Best practices for aligning R&D efforts with intellectual property protection.

**Global IP Management:** Tips for navigating international IP systems and safeguarding technologies in global markets.

This webinar series promises to deliver actionable knowledge and real-world case studies, making it a must-attend for anyone involved in innovation, business strategy, or intellectual property management. Don't miss this opportunity to learn directly from industry experts—register now by scanning the QR code on the poster!

**Register Here:**





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