



# **Protecting the assets of a business in Malaysia & in SEA : IP is the key !**

**Presentation for the TC Meeting of January 11, 2022**

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# **AGENDA**

**I. The SEA IP SME Helpdesk : who are we and how can we help you ?**

**II. Tips for protecting the assets of a business through IP in Malaysia.**



# I. The SEA IP SME Helpdesk : who are we and how can we help you ?

**SOUTH-EAST ASIA  
IP SME HELPDESK**



European  
Commission



## SOUTH-EAST ASIA IP SME HELPDESK

# Free South-east Asia IP advice for European SMEs

**#knowbeforeyougo!**

- > free first-line confidential advice on intellectual property: [question@southeastasia-iprhelphdesk.eu](mailto:question@southeastasia-iprhelphdesk.eu)
- > awareness-raising about IP matters in South-East Asia affecting EU SMEs
- > help to EU SMEs to make informed IP decisions

European Innovation  
Council and SMEs Executive  
Agency (EISMEA)

Available to all EU SMEs, the Helpdesk co-operates with European SME networks, chambers of commerce and industry associations to offer these services free of charge

<https://ec.europa.eu/ip-helpdesk>

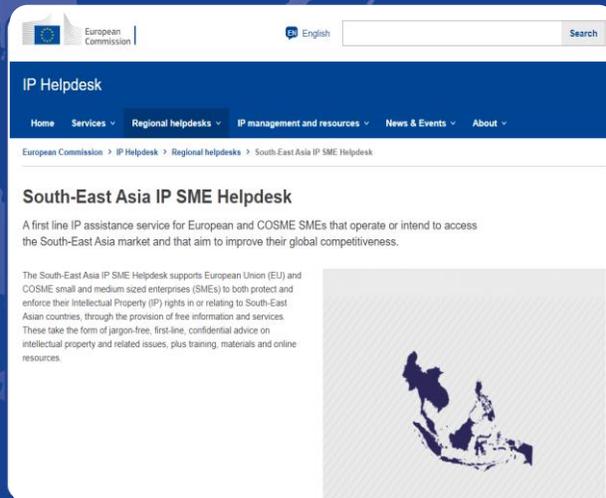
# SOUTH-EAST ASIA IP SME HELPDESK

# Snapshot: Helpdesk Free Services

## Enquiry Helpline



## Website & Newsletter



## Training Workshops & Live Webinars



## E-learning & Business Tools



## Publications



<https://ec.europa.eu/ip-helpdesk>



# Free of charge to ALL OUR beneficiaries

## ONSITE or VIRTUALLY

### Companies:

European SMEs,  
Start-ups, European  
Entrepreneurs  
ASEAN or Europe  
based

**Type of services** = awareness raising events, trainings, webinars, dissemination of materials, consultations on the spot / online, helpline service.

- How to build an **IP strategy** when entering to new market?
- Review your **IP clause** in contracts?
- Need for a good **NDA template**?
- Support to **run an identical TM search**?

### Multipliers:

National IP offices,  
EC initiatives, trade  
agencies; Chambers  
of commerce,  
Professional  
associations,  
Business  
incubators, Science  
parks, Technology  
hubs, Clusters

**Type of services** = co-organizing events / customized trainings for **Trade** missions, addressing IP questions of stakeholders. How to **involve** us?

- **Pre-departure meeting/briefing** before/during Trade Missions
- **One2one confidential consultations** after seminars with IP expert / country specific expert
- **On the spot advice** during trade fairs at your national pavilion
- **Business seminar** to your SMEs already established in Singapore on key updates re IP system e.g. How to protect my innovation? How to register your TM in multiple countries?

**SOUTH-EAST ASIA**  
**IP SME HELPDESK**

## II. Tips for protecting the assets of a business through IP in Malaysia.



# What is IP?

**Intellectual Property (IP) refers to creations of the mind** (from works of art to inventions, computer programs to trade marks and other commercial signs)

**IP is a complex and wide topic.**

**It is not a unitary concept** (different laws relating to different types of IP rights, each country or territory may have its own IP law and practice + International law / treaties)

**The major distinction is between:**

- **Industrial Property** ( invention patents, trade marks, industrial designs and geographical indications)
- **Copyright & related rights** (cover literary works, films, music, artistic works, software and data banks)

# Let's have a quick overview of the main IP rights!

IP rights	Aim of protection
<b>Invention patents</b>	Product or process that offers a new way of doing something, or a new technical solution to a problem
<b>Trade marks</b>	Signs used in trade with relation to goods & services
<b>Industrial Designs</b>	Aesthetic or ornamental aspects of a product
<b>Copyright</b>	Original works (literary, artistic and scientific works)
<b>Geographical Indications</b>	A sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin



# IP Protection in Malaysia (official fees)

## Copyright

- Registration takes **around 3/6 months**
- Costs of basic application approx. 35 €

## Invention Patent

- Registration takes **around 4/5 years**
- Costs of basic application approx. 275 €

## “Utility Innovation”

- Registration takes **around 2/3 years**
- Costs of basic application approx. 275 €

## Industrial design

- Registration takes **around 2/3 years**
- Costs of basic application approx. 150 €

## Trade marks

- Registration takes **around 1 year**
- Costs of basic application approx. 215 €

# Impact of COVID on IP ?

## GLOBAL IP FILING ACTIVITY IN 2020

2019 2020



Patent filings worldwide grew by 1.6% in 2020. Trademark and industrial design filing activity grew by 13.7% and 2%, respectively. Patent filings around the world exceeded 3.3 million, trademark filing activity totaled 17.2 million and industrial design filing activity amounted to 1.4 million. Applications for utility models – a special form of patent right – grew by 28.1% to reach 3 million applications.

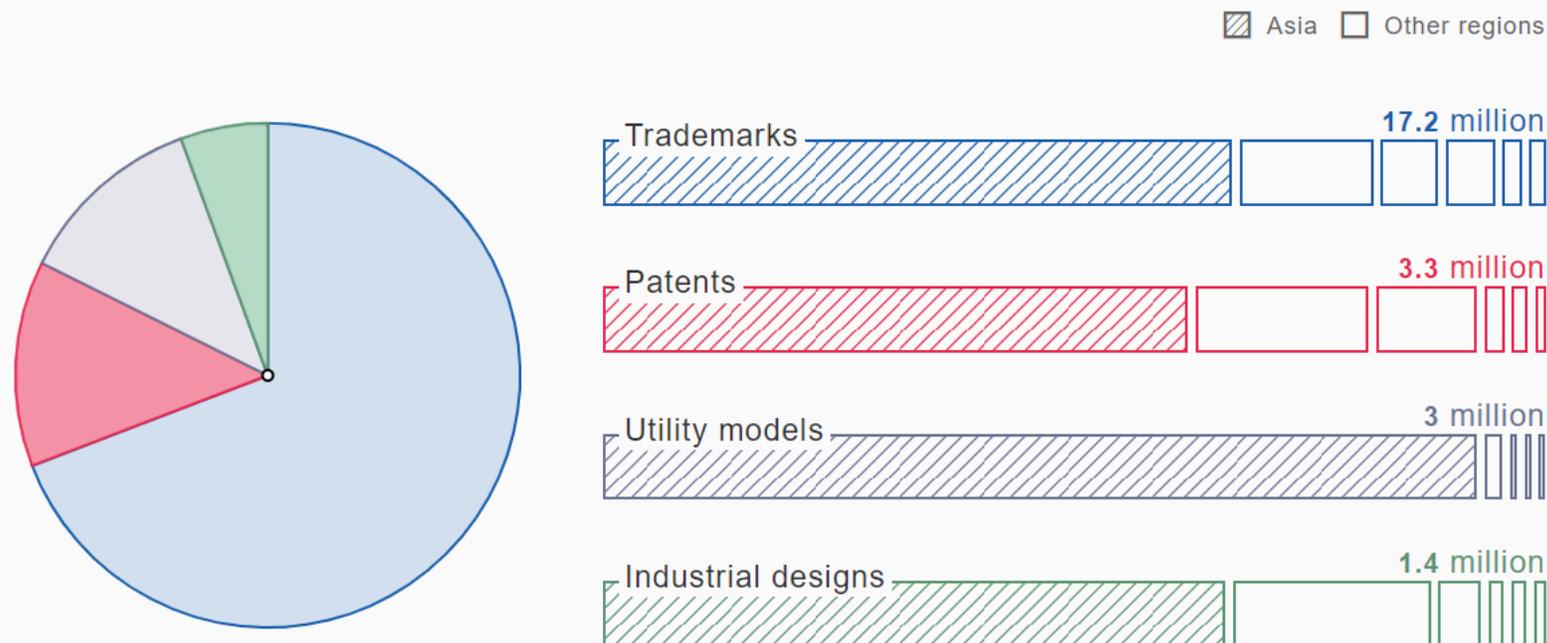
Notes: \* refers to class count – the total number of goods and services classes specified in trademark applications.  
\*\* refers to design count – the total number of designs contained in industrial design applications.

Source: WIPO Statistics Database, November 2021

# Impact of COVID on IP ?

## Shares of IP filing activity by region

WHICH REGION RECEIVED THE BULK OF IP FILINGS IN 2020?



IP offices in Asia received the highest numbers of applications for patents, utility models, trademarks and industrial designs in 2020, reaching 66.6%, 98.4%, 71.8% and 70.9% of the world total respectively.

Notes: \* refers to class count – the total number of goods and services classes specified in trademark applications.

\*\* refers to design count – the total number of designs contained in industrial design applications.

Source: WIPO Statistics Database. November 2021

# Impact of COVID on IP ?

Counterfeiters are always super quick to adapt and take advantage of the situation therefore IP protection needs to follow the interests and activities of the company.

- **Less control** (border, parcels, police, courts, investigation, etc.)
- **A 'digital paradise'** with positive (new shift to online purchases especially during lockdown) and negative impacts (difficult to track counterfeiters online who use different IP addresses, mirror websites and many other techniques).
- **IP & health issues** (customers were forced to purchase vital products online like medical facemasks, hand sanitizers, thermometers, COVID-10 testing kits, etc)

# What's new / next ?

- 1) Malaysia became the 106th member of the **Madrid Protocol System** upon depositing the instrument of accession of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks on **September 27, 2019**.
  - 2) **Trademark Act** (“the TA 2019”) officially came into force on **December 27, 2019** in Malaysia. Still in force as of today.
  - 3) On **November 12, 2021** – NanoMalaysia Berhad signed a **Memorandum of Understanding** (MOU) with MyIPO for the Technology and Innovation Support Center (**TISC**) programme. The programme provides a platform for IP training programmes, such as patent searching, patent drafting, IP commercialisation and IP marketing, conducted and coordinated by MyIPO, in cooperation with WIPO.
  - 4) On **December 13, 2021**, the following Bills have been tabled for second reading in Dewan Rakyat (lower house of the Malaysian Parliament) :
    - ✓ **Patents (Amendment) Bill 2021** (substantial amendments to Patents Act of 1983)
    - ✓ **Copyright (Amendment) Bill 2021** (substantial amendments to Copyright Act of 1987)
    - ✓ **Geographical Indications Bill 2021** (will replace the Geographical Indications Act 2000 for enabling the protection and registration of GIs in relation to goods)
- Dewan Negara passed the 3 bills on **December 22, 2021**, approved after the third reading by Deputy Minister of Domestic Trade and Consumer Affairs.

# What's new / next ?

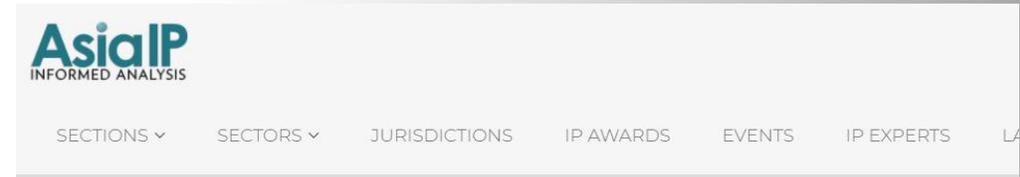


Here at ITEX, we are firm believers in encouraging children to be their most innovative selves. This is why the inaugural staging of the World Young Inventors Exhibition (WYIE) during ITEX 2020 was such a big success that we had to bring it back in 2021!

## NANOMALAYSIA BERHAD SIGNS MOU WITH MYIPO FOR THE TECHNOLOGY AND INNOVATION SUPPORT CENTER (TISC) PROGRAMME



12 November 2021 – NanoMalaysia Berhad (NMB) signed a Memorandum of Understanding (MOU) with Intellectual Property Corporation of Malaysia (MyIPO) for the Technology and Innovation Support Center (TISC) programme.



Asia IP - Intellectual Property News and Analysis / Young people in Malaysia with groundbreaking inventions increasing

## Young people in Malaysia with groundbreaking inventions increasing

07 October 2021



## SOUTH-EAST ASIA IP SME HELPDESK

# Take away messages

## **I. Build an efficient IP protection strategy (planning is key)**

- ✓ Assess the assets of the company
- ✓ Define which IPR may be suitable / applicable
- ✓ Assess the territorial coverage
- ✓ Register your IPR & create a portfolio of rights

## **II. Territoriality of IPR (cover countries where you trade and manufacture + potential partners) & adapt your strategy to local / regional specificities**

## **III. Increase your knowledge on IP (MyIPO, EUIPO, WIPO, SEA IP SME Helpdesk)**

# Let's Stay Connected With Us!



@ipSEAsia



@seaiphelpdesk



@south-east-asia-ip-  
sme-helpdesk



South-East Asia Intellectual  
Property SME Helpdesk



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Thank you for your attention

Questions?

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