



MALAYSIA

INDUSTRIAL DESIGN HANDBOOK

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Legislation

Industrial design protection in Malaysia is governed by the Industrial Designs Act 1996 which entered into force on 1st September 1999 and the Industrial Designs Regulations 1999. Prior to this date, industrial designs were protected in Malaysia by registering the design in the United Kingdom.

Definition

Industrial design means features of shape, configuration, pattern or ornament applied to an article by any industrial process or means.

Criteria

A design must have features of shape, configuration, pattern or ornament which are new and appeal to and are solely judged by the eye.

On the point of novelty, Malaysian industrial design law adopts worldwide novelty standard, in that the design must not have been disclosed to the public anywhere in Malaysia or elsewhere in the world before the priority date or the date of application for registration in Malaysia, in respect of the same article or any other article. The applicant is required to include a "statement of novelty" in the registered design application.

Excluded Subject Matter

The following features are excluded from industrial design registration in Malaysia:-

- A method or principle of construction
- The designs of articles depend upon the appearance of another article which forms an integral part of the article
- It differs only in immaterial details or features
- The features of the article are dictated solely by function

Rule of Priority

Applications for priority have to be made within six months from the earliest date of filing.

Duration and Renewal

The initial term of registration for a Malaysian design is 5 years from the filing date of the application for registration. The application can be renewed for four further five year periods, giving a maximum term of 25 years.

Procedures

▼ Application

Every design application has to be filed with the Malaysian Industrial Design office.

▼ Examination

Applications are examined by the Registrar to ensure they meet all formal requirements within 6 months from the date of filing. There is no search or substantive examination of the application.

However, in practice, objections of a substantive nature are often raised. The applicant will be required to make amendments or modifications to the application as determined by the registrar.

Publication

Once the certificate is issued the Registrar will cause the registration to be published in the Gazette containing the notice of registration, details of the owner and other related information.

Registration

The registrar will record the details of the design in his register and issue a certificate of registration to the applicant. A design once registered is valid for a term of 5 years and will be subject to protection depending on its further renewal for two further five years periods.

Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Malaysia:-

- ID Form 1 with:-
 - △ full name, address and state of incorporation/nationality of the applicant.
 - △ name of article and statement of novelty; and details of any priority claim i.e. at least the country and filing date.
 - △ International Design Classification; serial number of the priority application.
 - △ full name and address of the author.
 - △ Information on how the applicant has derived the right to the design from the author (normally by way of assignment, employment or other agreement);
- Appointment of Agent Form (Form ID 10) signed by the applicant.
- Six sets of representation of the design (drawings or photographs).
- Priority documents and certified English translation (if necessary) of the priority document.

Documents To Be Furnished For Filing An Industrial Design Application in Malaysia

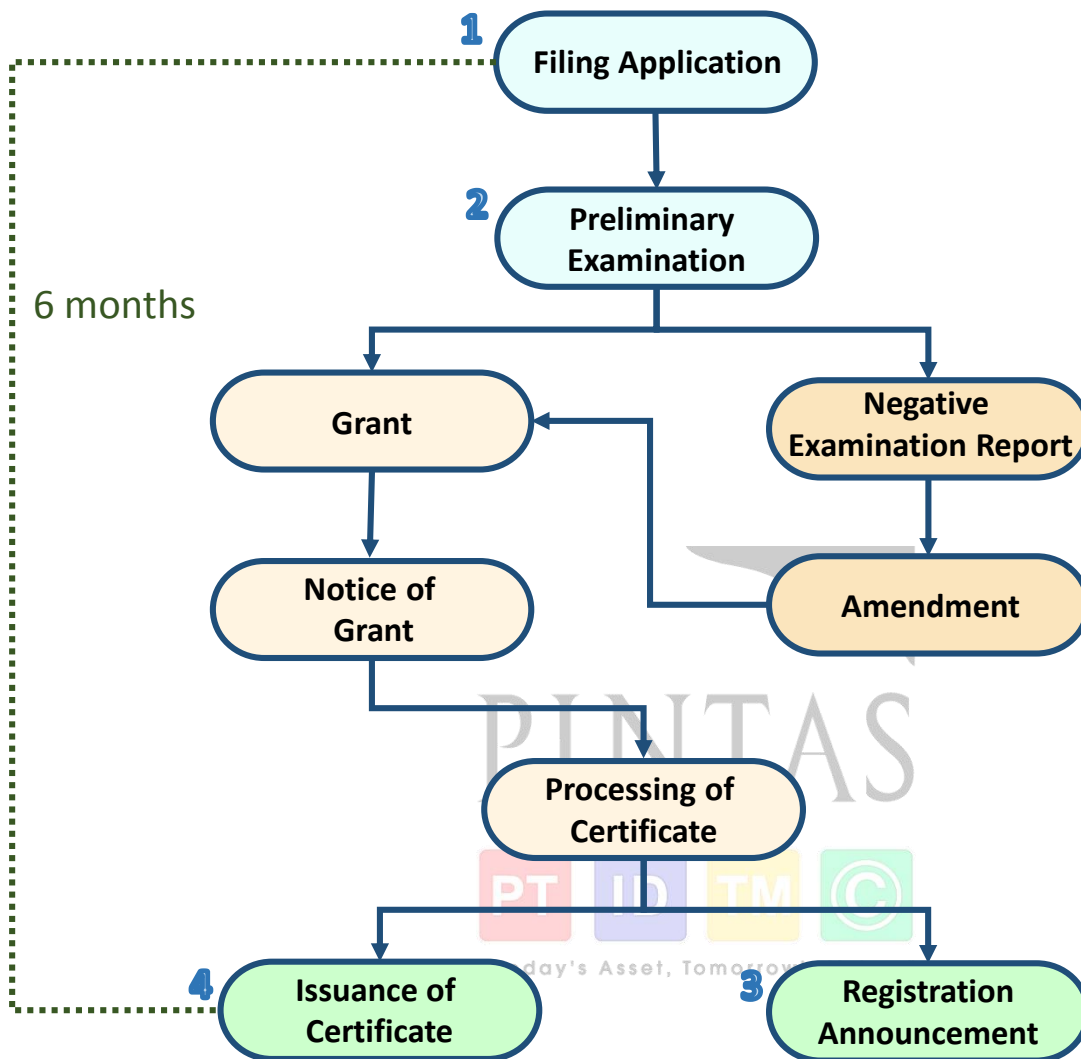
Basic Requirements		
Documents	Remarks	Time of Filing
Appointment of Agent (Form ID 10)	No legalization/notarization requirement	On filing date
Description of Design	To be translated to English language	On filing date
Drawing / Photographs		On filing date

Additional Documents for Claiming Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	To be translated to English language	On filing date



" Today's Asset, Tomorrow's Value "

Industrial Design Application Process in Malaysia (Formality Examination Regime)



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