

Worldwide trademark protection soon for Malaysian entrepreneurs



Domestic Trade and Consumer Affairs Minister Datuk Seri Saifuddin Nasution Ismail speaks during the MyIPO dialogue session with the media titled “Modernising Trademark Law in Malaysia: What are the benefit for the people and country?”, in Kuala Lumpur. - Bernama

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KUALA LUMPUR: Malaysian entrepreneurs who trademark their intellectual properties under the Intellectual Property Corporation of Malaysia (MyIPO) can soon gain worldwide protection, thanks to the newly-amended Trade Marks Act 2019.

Announcing this today, Domestic Trade and Consumer Affairs Minister Datuk Seri Saifuddin Nasution Ismail said it was aimed at protecting local entrepreneurs’ companies or brands from being imitated worldwide.

“We have seen cases where established local products have been imitated because they were not trademarked by their inventor.

“Implementing this Act will prevent such cases from happening again,” he said.

Saifuddin was speaking during a MyIPO dialogue session with the media titled “Modernising Trademark Law in Malaysia: What are the benefit for the people and country?”

Also present were MyIPO chairman Dr Rozhan Othman, MyIPO director-general Datuk Mohd Roslan Mahayudin and MyIPO deputy director-general (registrations and compliance) Azahar Abdul Razab.

Saifuddin said the new Trade Marks Act 2019 would allow entrepreneurs to trademark traditional and non-traditional materials.

The previous Trade Marks Act 1976 only allows entrepreneurs to trademark traditional materials such as logos, brands, tickets, labels, names, signatures, sentences, words, numbers or any of these elements combined.

Under the new Act, entrepreneurs can now trademark a whole gamut of materials such as sounds, motion marks, holograms, shapes or product wraps, colours, smells, patterns or positions of merchandise.

The new Trade Marks Act 2019 follows the recently-adopted Madrid System or Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), adopted in Madrid on June 27, 1989.

Malaysia is the 106th member of the Madrid System. Other Asean countries which have acceded to the protocol are Brunei, Cambodia, Indonesia, Laos, the Philippines, Singapore, Thailand and Vietnam.

The Madrid System enables them to protect their brands in 122 countries, including the United States, Australia, the United Kingdom and Brazil.

Trademark owners would only need to fill a single application with MyIPO to register their local brands in the countries participating in the protocol.

The system is an international treaty administered by the International Bureau of World Intellectual Property Organisation (Wipo).

The system allows trademark owners to seek protection in several countries simultaneously by filing one application with a single office, in one language and by paying one fee.

Malaysian entrepreneurs will be able to register their brands starting December 27.

MyIPO expects to have around 4,000 new trademark registrations come December.

Saifuddin urged Malaysian entrepreneurs to register their companies or brands under the Act as it would benefit them in terms of brand sustainability and customer loyalty.

"Local entrepreneurs will be protected as the Customs Department is given the authority to block any entry of counterfeit products under their names into Malaysia, and notify the authorities of the matter," he said.

The new Trade Marks Act 2019 also carries new, more severe punishments for offenders.

Those found committing fraudulent or trademark infringements can be fined up to RM1 million, jailed for a maximum of five years, or both.

Previously, the punishment for trademark infringements included a fine of RM5,000 for the first offence, with subsequent fines possibly increasing to RM30,000 in addition to a three-year jail term, or both.