

More trademark and intellectual property expected



Domestic Trade Affairs and Consumerism Minister Datuk Seri Saifuddin Nasution said this was because the new act, which replaced the Trade Marks Act 1976, provided recognition to non-traditional trademarks. - NSTP/RAMDZAN MASIAM

By Balvin Kaur
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GEORGE TOWN: The government is foreseeing an increase in trademark and intellectual property applications over the next few months.

This is on the heel of the new Trademarks Act 2019 coming to force next month and its subsequent enforcement.

Domestic Trade Affairs and Consumerism Minister Datuk Seri Saifuddin Nasution said this was because the new act, which replaced the Trade Marks Act 1976, provided recognition to non-traditional trademarks.

He said with the new act, Malaysian entrepreneurs could now trademark intangible materials such as shape of goods, packaging, sound, scent, colour, holograms, positioning and sequence of motions that could be graphically presented to distinguish goods and services from others.

"The new act will help businesses protect their trademark through a fast, efficient and effective registration system.

"This new legislation also allows for multi-class applications and will streamline the administrative paperwork needed for brands to protect marks across different classes," he said after the National Seminar on Branding and The Madrid System for the International Registration of Mark at the Royale Chulan Hotel, here, today.

The event was attended by Intellectual Property Corporation of Malaysia (MyIPO) chairman Dr Rozhan Othman and International Bureau of World Intellectual Property Organisation (Wipo) Asean regional director Denis Croze.

Elaborating, Saifuddin said between 2016 and 2018, there were 151,323 applications for intellectual property registration, and of that number, 118,237 were successfully registered.

He said during the same time period, a total of 123,856 applications for trademark registration were received of which 100,597 were successfully registered.

"In 2018 alone, there was a total of 52,998 applications for intellectual property registration and 43,656 for trademark registration.

"With the new act, we can expect to see the number growing," he said.

It was reported that the Trademarks Act 2019 followed 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 include 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 will only need to fill a single application with MyIPO to register their local brands in countries participating in the protocol.

The system is an international treaty administered by the 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 Dec 27.

Saifuddin also urged Malaysian entrepreneurs to register their companies or brands under the act as soon as possible.

He said businesses that does not protect their trademark by registering it risked having imitators from within the country taking over the name associated with their product.

"Malaysian companies need to be more cognisant of this development and start having a long-term brand strategy to protect and leverage on their trademark.

"This cannot happen if they do not file an application to protect their trademark with MyIPO," he said.

It was reported that the new Trademarks Act 2019 also carries newer, 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.