



AMICA LAW LLC

Dear Associates, Clients and Friends

AMICA LAW UPDATE

Malaysian Trade Marks Practice - Summary of Amendments to Trade Marks Regulations

We wish to draw to your attention that amendments to the Malaysia Trade Mark Regulations came into effect on 15 February 2011 which were just recently announced. We highlight some of the amendments for your information:

Expedited examination

A new feature of the trade marks system is that an Applicant may now request expedited examination of their application. The request must be made within four months from the date of application. An estimated "model" time line for expedited registration is 7 months provided the Applicant files a request to expedite examination within 1 month of the date of application, and the acceptance form is returned within 1 month of issuance, and assuming no adverse examination reports and/or any third party opposition.

The official fee for making the request for expedited examination is RM 250 (approx US\$ 83) and must be supported by reasons to be given in the form of a statutory declaration. The Registrar must be reasonably satisfied that one or more of the following grounds exist:-

1. it is in the national or public interest;
2. there are infringement proceedings taking place or evidence showing potential infringement in respect of the trade mark applied for;
3. registration of the mark is a condition for funding by government or institutions recognised by the Registrar; or
4. there are other reasonable grounds which support the request.

If the request is approved, a further fee of RM 1200 (approx US\$ 396) is payable within 5 working days of the Registrar's approval to process the same.

Given the four month deadline, it is important to consider at the outset of filing whether expedited examination is to be requested, and sufficient time must be given for the statutory declaration to be prepared and executed before a Notary Public.

Official fee increases

On a more practical note, the Malaysia Trade Marks Registry has expanded the scope of electronic filing of documents, although manual filing is still available at present. Along with this, there have been changes to various forms and official fees. Some of the increased fees are as follows:

- (a) the official filing fee has been raised from RM 280 (approx US \$92) to RM 370 (approx US \$122) (based on manual filing);
- (b) an additional fee for series mark applications are payable for 3 or more representations in the series at the fee of RM 50 (approx US \$17) per series. Previously, no additional fee was payable for series marks regardless of the number of marks in the series; and
- (c) a form and fee of RM 170 (approx US \$56) is now payable for attendance at ex parte hearings.

We hope the above information is useful. Should you have any queries, please contact us.

Kind regards

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