

INDUSTRIAL DESIGN

1. What is an Industrial Design?

An industrial design consists of features including shape, configuration, pattern or ornament applied to an article by an industrial process. That is to say, industrial design registration protects the visual appearance of the article.

2. Name some articles the designs of which are registrable?

Furniture, toys, handphones, electronic gadgets and appliances, household utensils, bottles, cases, carpets, wallpaper and textile materials.

3. What purpose does a design registration serve?

The product you have designed may be attractive in appearance and appealing to your customers. Design registration will allow you to stop others from copying your design and profiting by it. The registered owner has the exclusive right to make or sell in Malaysia the design in relation to the article mentioned in the registration.

4. Can any Industrial Design be registered?

No. To be registrable a design must be new. This means that the design must not have been previously sold or otherwise made public in Malaysia before you file your application for registration. The design must also meet the legal definition, including having “eye appeal”.

5. Do we have Industrial Design registration in Malaysia?

Yes. Registration of Industrial Design is now available in Malaysia with the implementation of the Industrial Designs Act 1996 that came into force on September 1, 1999.

6. Who can apply to register an Industrial Design?

Only the owner of the design, whether an individual or a company, can apply for its registration. You can never register someone else's design.

7. How long does a Design registration last?

The maximum life of a Malaysian design registration is 15 years. A renewal fee must be paid after 5 and 10 years to maintain the protection.

8. What Territory does a Design registration cover?

A Malaysian design registration has effect only in Malaysia. To obtain protection in other countries, separate applications must be filed in those countries.