

## **Fuss-Free and Simplified Trademark Filings in Malaysia**

By Amelia Ho

Trademark registration in some countries is often seen as a slow, complex, and paperwork-intensive process. However, in **Malaysia**, the landscape has significantly improved. Thanks to the **Trademarks Act 2019** (the "Act"), the trademark application process has become more **efficient, accessible, and applicant-friendly**.

Below are key updates that make **trademark filing in Malaysia** more streamlined than ever:

### **a) No Statutory Declaration or Power of Attorney Required**

In many jurisdictions, applicants must submit notarised or embassy-attested **Power of Attorney** documents, **Statutory Declarations**, Certificates of Incorporation, or authorisation letters. Malaysia, however, has removed these bureaucratic barriers.

A Power of Attorney and Statutory Declaration—whether attested or notarised—are no longer required. Previously, applicants had three months from the filing date to submit a Statutory Declaration affirming good faith in filing. Under the new Act, this declaration is embedded within the application form itself, and the appointed agent signs on behalf of the applicant.

This reduces administrative steps and cuts costs, particularly for overseas applicants who may find notarisation procedures burdensome and expensive.

### **b) Simplified Translation Requirements for Foreign Characters**

Under the previous law, trademarks containing **non-Roman characters** (e.g., Chinese, Japanese, Korean) required a certified **English transliteration and translation** from an accredited translator, to be submitted within three months of filing.

Today, this requirement has been simplified. Applicants may now **provide transliterations and translations directly within the application form**.

That said, if a trademark includes numerous foreign characters, it is advisable to prepare a clear translation document before submission. Uploading this with the application helps avoid unnecessary **formality refusals** due to unclear or incomplete translations.

### **c) No Certified Copy of Priority Document Required**

Previously, when claiming a **priority date under the Paris Convention**, applicants had to submit a certified copy of the home application and, if not in English, a certified English translation.

The Act now allows applicants to simply provide **basic details** of the home application. A certified copy of the priority document is **no longer necessary**, making the process faster and more efficient.

#### **d) Bilingual Filing Flexibility**

Although Malaysia's official language is **Bahasa Melayu**, trademark applications are typically filed in **English**, the dominant language for business and legal matters.

No translation is required for applications or responses submitted in English. Specifications of goods and services can be filed directly in English, and evidence of use in English is accepted. This flexibility reduces both **time and translation costs**, especially in **multi-class filings** involving extensive specifications.

#### **e) Single Official Fee at Filing Stage**

Previously, applicants had to pay two separate official fees: one at filing and another upon acceptance for publication.

The updated system introduces a **one-time official fee** payable upon filing. If the application passes formality and substantive examination stages, a **Notice of Acceptance** is issued. The mark is then published for opposition and, if unopposed, proceeds to registration without any additional official fees.

#### **f) No Use Requirement for Trademark Renewal**

In certain countries, trademark renewals require evidence of use, supported by a Statutory Declaration or Affidavit and relevant documentation.

In Malaysia, there is **no use requirement** for trademark renewal. Once registered, a trademark can be **renewed every 10 years** by paying the prescribed renewal fees—**without** needing to submit proof of use or supporting documents.

This ensures a **hassle-free, cost-efficient renewal process**.

#### **Conclusion**

Malaysia's trademark regime has evolved into one of the **most applicant-friendly systems** in Southeast Asia. The **Trademarks Act 2019** has eliminated unnecessary red tape and introduced a simplified, cost-effective, and efficient process.

For local and international businesses seeking to **register trademarks in Malaysia** or expand their **IP portfolio in the region**, these updates offer a strategic advantage. The filing process is now faster, less burdensome, and more aligned with the needs of modern businesses.