

Malaysia – Trade Mark Regulations and Fee Changes effective 15 February 2011

The Malaysia Trade Marks (Amendment) Regulations 2011 came into force on 15 February 2011. They bring changes to the official fees and procedures applicable to Malaysian trade mark applications. The changes are summarized below.

Official Fees

The official fees have been increased across the board by an amount in the range of 30-60%. Although this is obviously a significant fee increase, it is the first in more than 13 years. Our current professional fees remain the same.

Expedited Examination

There are now formal provisions for requesting expedition of examination provided the request is filed within four (4) months from the initial trade mark application date. This must be in the form of a reasoned request for expedition and an official fee is payable. The grounds on which expedited examination may be considered are:

- 1) national or public interest;
- 2) evidence of potential infringement or ongoing infringement proceedings;
- 3) registration is a condition to obtaining monetary benefits from the Government or institutions recognized by the Registrar; or
- 4) other reasonable grounds

Series of Trade Marks

In a single trade mark application for each class of goods or services, there is now an additional official fee payable for each third and subsequent mark in a series.

Ex-parte Hearing

Upon the Registrar maintaining the objection(s) raised, there is a new official fee payable when the Applicant applies for an ex-parte hearing to prosecute the trade mark application further.

Enforcement Date

We have been advised by the Registrar that the new Regulations and fee changes will affect only trade mark applications filed after 15 February 2011 and also trade marks already registered at this date. Trade mark applications filed before 15 February 2011 and still pending will not be affected.

We can address any queries that you may have on a case by case basis, so please do not hesitate to contact us in this regard. Thank you.

HENRY GOH & CO SDN BHD

03 March 2011