

I POTENTIAL



ASEAN INTELLECTUAL PROPERTY NEWS UPDATE



IN THIS EDITION

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No additional fees incurred with terms and conditions applied.

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Eid Mubarak

Wishing you and your loved ones
a blessed and safe Eid al-Fitr!

Selamat Hari Raya Aidilfitri

Greetings from Pintas IP Group

Pintas IP Group wishes you a joyous celebration and prosperous days ahead. Also, we are monitoring closely new directions from IP Offices in Asean countries.

In the interim, we are giving our best endeavors in ensuring operational continuity for your Asean IP needs through our customer service and e-services platforms, Pintas Digital Platform (ecommerce) and IP Hall Case Management System (management and monitoring module) accessible 24 hours every day.

Once again we thank you for your continued support in this uncertain time, our thoughts go out to those who have affected from this difficult time and we pray for your good health and well-being.

16 MONTHS TO 6 MONTHS, NEW FAST TRACK SYSTEM FOR TRADEMARK REGISTRATION AND TRADEMARK RENEWAL IN THAILAND

Recently, the Thailand Department of Intellectual Property (DIP) made a Declaration announcing a Fast Track system for both Registration and Renewal of Trademarks. The new system came into effect on the 23rd of February 2021.

The Declaration are as follows:

Trademark Registration in Thailand Fast Track System :

Prior to the system, the timeframe for a Trademark Registration in Thailand is about 16 months, as stated in the DIP Manual. Based on the declaration, under the new Fast Track system a trademark application will automatically be reviewed provided the application meets the two required conditions, in other words, no additional request is required. Thus, shortening the timeframe from 16 months to 6 months in order to receive approval of the trademark application.

The two requirements are:

- 1) The total number of goods or services must not exceed 30 items
- 2) Goods or services must be selected from the DIP Website

Trademark Renewal in Thailand Fast Track System :

The initial timeframe for Trademark Renewal in Thailand as according to the DIP Manual is between 3 to 6 months.

However, the Declaration provides that under the new Fast track system, the examination of Renewal Applications and grant of Certificate of Renewal will now be completed within "45 minutes" upon filing of the Renewal Application with the DIP and does not incur additional fees subject to certain conditions.

The conditions are:

- 1) The total number of goods or services must not exceed 30 items
- 2) The particulars of the trademark registration has not been changed, such particulars include the name, address, re-classification of goods and various others
- 3) The Renewal Application must be filed at the DIP by either the
 - (i) owner,
 - (ii) an appointed attorney (general or specific);
 whereby, in the latter case, the Power of Attorney (POA) must clearly authorise the attorney to
 - (i) file the Renewal Application and
 - (ii) collect the Certificate of Renewal on the owner's behalf.
- 4) The request for a Fast Track Examination must be requested with the DIP officer upon filing the Renewal Application
- 5) All the required Official Fees of the Renewal Application are fully paid.

Read more on Trademark Applications in Thailand by downloading a free copy of Pintas Trademark Handbook or contact us today to find out how to benefit from the new Trademark Fast Track System in Thailand.



UPDATES ON PATENT COMPULSORY LICENSING PROVISIONS IN INDONESIA

Request to postpone the working requirement no longer valid

What is patent compulsory licensing ?

Under the Paris Convention of 1883 of which the vast majority of countries are members. One aspect of the Convention is the protection of inventions through the grant of patent rights. Such rights provide for a defined period, usually 20 years, in which the patentee enjoys monopoly rights in its invention.

In exchange for receiving its monopoly, the patentee is required to fully disclose and define its invention. By doing so, a patentee fulfils a societal obligation to make its invention available for public use after a patent expires.

But what if a patentee decides not to make use of a patented invention or to licence it to a third party? That is, a patentee withholds public access to an invention?

The Paris Convention recognised the possibility that an invention may not be used (not worked). Specifically, Article 5A created the right for members to take legislative measures to grant non-exclusive compulsory licences to third parties in circumstances where an invention had not been adequately worked. Such licences could only be granted after the later of either four years from a patent application's filing date or three years from a patent's grant. Further, although the patentee's consent was not required, the patentee was required to be adequately compensated.

Global importance of compulsory licensing

There have been very few instances of compulsory licences being issued. However, the Malaysian government issued a compulsory licence in 2017 for Gilead's hepatitis C treatment, sofosbuvir. Previously in 2003 it had issued a compulsory licence for various drug treatment for HIV/AIDS. These licences were issued on the basis of a failure to agree on product pricing.

With such action by the Malaysian government, it is foreseeable that other countries could easily follow suit or would their local compulsory licensing legislation either prevent or discourage the grant of such licences?

Compulsory licences in Indonesia – up to 3 February 2021

Indonesia is an example of a jurisdiction with a strict local compulsory licensing legislation. Under the Indonesian Patent Law No. 13 (2016), the invention of the Indonesia patent must have been implemented (worked) within three years of the date of grant. If the invention was not worked before this date, the invention may be subject to a compulsory licence by a third party. While this requirement is relatively strict compared to other jurisdictions the goal of this requirement was to support technology transfer, investment and provide employment opportunities for the local community.

As a compromise for this strict requirement, the government included a provision so that patentees were able to file a request to postpone this working requirement obligation for up to five years, provided supporting documents outlining the reasons for the request were also provided. Examples of reasons that were considered acceptable by the Indonesian government include the complexity of invention, insufficient domestic production capacity and lack of relevant materials, technology or human resources. While an Indonesia patent that is not worked will not automatically be revoked, a public prosecutor or a third party that represents national interests can request for the patent's revocation. Therefore, prior to 3 February 2021 filing the request to postpone the working requirement was recommended (if required).

Compulsory licences in Indonesia – from 3 February 2021

The law has recently changed so that under Indonesian Law No. 11 Year 2020 and the Ministerial Regulation No. 14 Year 2021, the request to postpone the working requirement can no longer be filed. Therefore, if the invention is not worked within three years of the date of grant, the patent may be subject to a compulsory licence by a third party. The amendments to the law were effective on 3 February 2021 and any requests to postpone filed after this date will not be processed or valid.

There is no requirement for patentees or licensees to submit evidence of the working of the invention in Indonesia. However, if a third party requests a compulsory licence, the onus is on the patentee/licensee to provide evidence that the invention has been worked within the three years from the date of grant.

Note - the Indonesian government has now expanded their definition of "worked" to include making, importing and licensing the patented products (or products resulting from the patented process/systems).

Again, while a patent that is not worked will not automatically be revoked it is important to ensure that the working requirement is satisfied to avoid the possibility of the Indonesia patent being subjected to a compulsory licence.

Key takeaways about patent compulsory licensing

Patents exist to foster innovation and therefore benefit society. However, there are monopolies and as such may be regarded as anti-competitive. The scope and duration of patents is carefully defined. By providing a compulsory licensing regime, there is on the one hand an encouragement for the patentee to make its invention available whilst on the other hand allowing for third parties to access a patent and make it available to the public if the patentee fails in its obligations. Whilst compulsory licences have proven to be rarely accessed so far, we predict that the amendments to the Indonesian law suggest a move to make use of these licences more generally.



Malaysia Federal Court Upheld 3 Tests in Establishing Tort of Passing off Using Celebrity's Name

CASE REVIEW :

Mohammad Hafiz Hamidun v Kamdar Sdn Bhd [2020] 4 CLJ

Facts of the case / Background of the case

- Plaintiff contended that he is a widely known, influential celebrity and has numerous fans not only in Malaysia but on international level who is known by the name of "Hafiz Hamidun". Apart from being a singer and/or music composer who has produced various music albums and has in fact won various music awards using the name "Hafiz Hamidun", plaintiff also was being listed on The World's 500 Most Influential Muslim (The Muslim 500) in the year 2015 and 2016 as an influential Muslim celebrity in the world. Plaintiff is also a director and major shareholder of 80% of the total issued shares of Haje Sdn. Bhd. ("HSB"), which was previously known as Mikraj Concept Sdn. Bhd. HSB conducts the business of manufacturing and trading of clothes, apparel, garments and related clothing accessories.
- Defendant on the other hand, is a company that was established in 1972 and had since conducted its business using the "KAMDAR" trademark that sells various fabrics through retail and wholesale stores.
- In this case, Plaintiff claimed that the Defendant has sold products using the Plaintiff's name without the Plaintiff's authorization. So this arises the issue whether the Plaintiff can claim that the Defendant has committed the tort of passing off the Defendant's fabrics for Baju Melayu that has been printed, labeled and marketed under the Plaintiff's name as fabrics which have been manufactured by, endorsed by or related to the Plaintiff.
- The Plaintiff contended that he had earned a valuable goodwill and reputation in the brand name "Hafiz Hamidun" not only in the music industry but also in the fabric industry

in Malaysia as he had been selling and promoting his clothing or fashion line under HSB using the brand name "Hafiz Hamidun" since 2014. Plaintiff pleads that he is the owner of the goodwill in the business of selling fabrics/apparel under the name "Hafiz Hamidun" and the conduct of the Defendant in selling "Hafiz Hamidun" branded fabrics/apparel to the public constitutes the tort of passing off.

- The Defendant resisting the Plaintiff's claim and argued that the brand name "Hafiz Hamidun" had been owned by HSB and not the Plaintiff himself.

Main Issues

- This case arises a novel issue of whether the Plaintiff can claim that the Defendant has committed the tort of passing off the Defendant's fabrics (by using the Plaintiff's name) as fabrics which have been manufactured by, endorsed by or related to the Plaintiff.
- Given there is no statutory trade mark registration, who is the common law owner of the goodwill in the brand name "Hafiz Hamidun" for fabrics or apparel sold by HSB. Does it belong to Plaintiff or HSB?

Law Principle

- High Court has affirmed that the law of tort of passing off is different from trademark infringement. Trademark infringement is a statutory cause of action provided by section 38(1) of the Trademark Act 1976 whereas the tort of passing off is based on case law (not statute). The tort of passing off protects the goodwill of a person's business regarding a mark, name, get-up or indicium (Business Indicum) which identifies, describes or refers to the person's business, goods or services. To see for passing off, there is no requirement that the Business Indicum has to be registered under the law.
- This case highlighted that there are 3 tests to ascertain the commission of the tort of passing off. In this article, we will highlight you all the tests and elements that must be fulfilled by a claimant/plaintiff to win their passing off suit against defendant!

1st Test - Lord Diplock's Test in Erven Warnink v Townend & Sons' case.

Lord Diplock in this case had laid down 5 elements that must be fulfilled by the Plaintiff in order to establish tort of passing off:-

1. Misrepresentation;
2. Made by a trader in the cause of trade;
3. To prospective customers or ultimate consumers of goods supplied by him;
4. Calculated to injure goodwill of another trader;
5. It causes actual damage to the trader.

These elements were followed by Supreme Court in Seet Chuan Seng & Anor whereby the judge ruled that "In action of passing off, damage is also an essential element of the tort and it is necessary for the Plaintiff to establish that he has suffered damage."

2nd Test - Lord Fraser's Test in Erven Warnink that is followed by Seet Chuan Seng and Maestro Swiss Chocolate:-

1. Plaintiff's business consists of, or includes, selling in a class of goods to which the particular trade name applies;
2. The class of goods is clearly defined, and that in the minds of the public, or a section of the public;
3. That because of the reputation of the goods, there is a goodwill attached to the name;
4. The Plaintiff as a member of the class of those who sell the goods, is the owner of the goodwill which is the substantial value.
5. That the Plaintiff has suffered, or is likely to suffer, substantial damage to his property in the goodwill by reason of the Defendant selling goods which are falsely described by the trade name to which the goodwill is attached.

3rd Test - Lord Oliver's Test in Reckitt & Colman Products Ltd v Borden Inc

1. The Plaintiff has established sufficient goodwill, reputation and presence in the trade name in question, in the local jurisdiction;
2. The actions of the Defendant constitute a misrepresentation, whether intentional or otherwise which is likely to cause, or has actually caused, deception or confusion to the public as it might lead the public to believe that the goods or services are those of the Plaintiff;
3. The Plaintiff has suffered or is likely to suffer damage or injury to his business or goodwill as a result of the Defendant's misrepresentation.



Conclusion

Federal Court has restored the High Court decision and ruled that the Plaintiff has the goodwill in business regarding Plaintiff's Name. Due to the Plaintiff's fame as a Nasyid singer, the Plaintiff has substantial or significant goodwill in the business regarding the Plaintiff's Name (Plaintiff's Goodwill) when the Plaintiff's Name is used in relation to the Plaintiff's Goods. The Court cited the case of The Commissioners of Inland Revenue v Muller & Co's Margarine Ltd, when the Plaintiff's Goods are marketed and sold based on the Plaintiff's Name, the Plaintiff's Name constitutes an "attractive force which brings in custom". The Plaintiff's Goodwill is clearly shown in the messages from Plaintiff's fans.

High Court ruled that all the 3 tests have been fulfilled and proven on a balance of probabilities by the Plaintiff and this is upheld by the Federal Court. This Federal Court case could be one of the many landmark cases when it revolves on the same issue as Hafiz Hamidun's. Even though there is no statutory trade mark registration has been made previously by the Plaintiff, since the Plaintiff has passed the goodwill test as in the Muller case, the verdict is made in the Plaintiff's favour.

In conclusion, if a celebrity (X) has a goodwill in a business regarding X's real name, stage name, moniker or image, it is important for any person (Y) to obtain X's written consent before Y uses X's actual name, stage name, moniker or picture in respect of Y's business, good or services. If otherwise, Y may be liable for the tort of passing off Y's business, goods or services as the business, goods or services provided, produced or endorsed by X.

COVID-19 Vaccines :

Concern over Proposed Intellectual Property Waivers

Hold tight on the monopolistic rights or save lives with competitor ?

The recent COVID-19 pandemic has led to a global health crisis of unprecedented proportions. As nations around the world are struggling to control the spread of the pandemic, it has become clear that access to sufficient and affordable medication and health care equipment would be crucial in overcoming the crisis. However, medications are often the subject of patents which enable a patent owner to restrict the exploitation, use, distribution and sale of medications. A very pertinent question arises: Should patent rights be strictly enforced in light of the pandemic ?

Patent protection in Malaysia is governed by the Patents Act 1983 and a patent gives its owner (i.e. the patent holder) an exclusive right to exclude others from making, using, selling and importing an innovative invention for a period of time. In this situation, a patent owner is granted a monopoly in respect of its invention and is entitled to dictate the manner in which the invention is used, including control of the prices of and the quantity in which an invention is sold.

Despite all efforts being made to face the COVID-19 crisis head on, the sudden surge in demand for medication and health care equipment has left many without life-saving equipment as manufacturers around the world struggle to cope. This has led to certain actions being taken in the race against time to contain the virus and to save lives, which could, unfortunately lead to patent infringement.

POTENTIAL CASE FOR PATENT INFRINGEMENT

A recent report disclosed that a hospital in Brescia, Northern Italy, was forced to enlist the assistance of engineers to digitally design and produce a valve for its respirators using 3D printing technology because the hospital was unable to obtain replacement valves from their usual supply chain. However, this was conducted without the patent owner's permission. As a result, there has been reports of a patent infringement lawsuit being threatened. Although the patent owner ultimately denied having issued a threat, this shows that the actions of the engineers could arguably risk exposure to a patent infringement lawsuit despite being commendable in saving lives.

Many would opine that it may seem unfair that there has been infringing use even though the unauthorized use was for saving lives, it cannot be denied that a patent owner is entitled to a monopoly for the invention.

However, having said that, if patent rights are strictly enforced even in times of crisis, the resulting consequences could prove to be in dire need. For example, the strict enforcement of a patent in relation to a drug or a vaccine against the COVID-19 virus could lead to the death of many who could not afford the same.

Developers and manufacturers are forced to then find alternatives to life-saving equipment and health care products for fear of a potential infringement lawsuit. Further, hospitals and clinics would also be faced with shortages in medication or equipment as they struggle to cope with a resistless number of patient, leading to a decrease in a hospital's overall treatment capacity and potential failure in curbing the spread of the virus.

Therefore, this is a clear indication that a balance is required between the rights of a patent owner and the need to save lives and manage a crisis. Profit-making should not be prioritized over societal interest in addressing a crisis such as the COVID-19 pandemic. Such an issue would put our morality as humans into perspective. As such, this begs the question of whether and when rights granted by patents should be "relaxed"?

COMPULSORY LICENSE

In Malaysia, a compulsory license may be granted under the Patents Act 1983. Any person may apply for the grant of a compulsory license after the expiration of three years from the grant of a patent (or four years from the filing date of the patent application, whichever is the latter) under any of the following conditions:

- (i) where there is no production of the patented product or application of the patented process in Malaysia without any legitimate reason;
- (ii) where there is no product produced in Malaysia under the patent for sale in any domestic market, or there are some but they are sold at unreasonably high prices or do not meet the public demand without any legitimate reason.

The person making the application must present proof of effort being made to obtain authorization from the patent owner on reasonable commercial terms and conditions but such efforts have not been successful within a reasonable period of time. As a safeguard for the patent owner, the exploitation of the patented invention will be limited to the purpose for which it was authorized and shall be subject to the payment to the owner of the patent of an adequate remuneration for such exploitation.

In addition, the Malaysian Government may decide, even without the agreement of the owner of the patent, that a Government agency or a third party may exploit a patented invention if:

- (i) there is a national emergency or where the public interest, in particular, national security, nutrition, health or the development of other vital sectors of the national economy as determined by the Government, so requires; or

(ii) where a judicial or relevant authority has determined that the manner of exploitation by the patent owner or his licensee is anti-competitive.

Such actions would thereby enable a Government agency or a third party to manufacture and sell a patented invention at a greater capacity and at a lower price to make it more accessible to the public.

Not surprisingly, the possibility of the grant of compulsory licenses and exploitation of a patented invention by the decision of the Government could be a cause for concern on the part of patent owners. A patent owner's monopolistic rights would be compromised and such actions could lead to the loss of exclusivity and potential business opportunities. It could also lead to a patent owner being unable to recover costs which it may have invested in the research and development of an invention.

WHAT'S THE NEXT STEP?

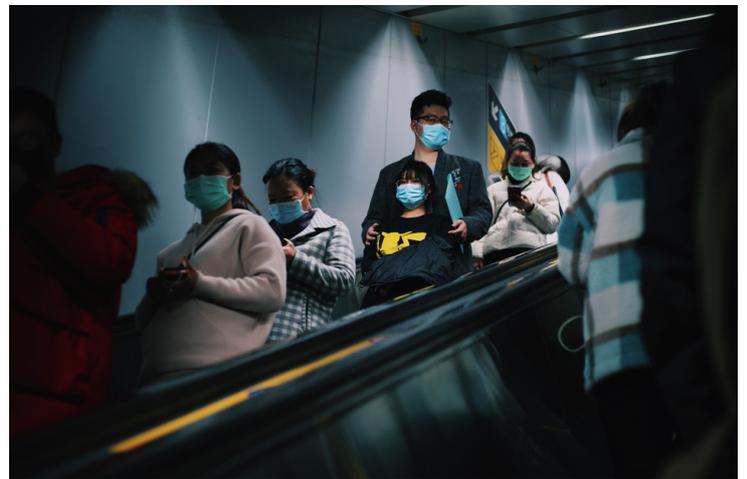
This begs the question: Does public interest heavily outweigh private interest? In a bid to curb the pandemic, various countries have begun invoking legislations equivalent to Malaysia's compulsory licensing and emergency use provisions. For example, there has been reports of Israel issuing a Permit (a compulsory license) for the importation of generic versions of AbbVie's patents associated with *lopinavir* / *ritonavir* with the view of attempting to treat COVID-19 in March 2020. The medicine is essentially used for the treatment of HIV patients but is now being tested as a potential ingredient for a cure for COVID-19. Following the announcement, the patent holder, AbbVie, dropped its patent rights over the medicine worldwide. In unprecedented times like these, this is a positive step towards prioritizing the public interest and will hopefully encourage pharmaceutical companies to come together to collaborate against the pandemic.

In contrast, there are also companies who are fighting for their exclusivity and monopolistic rights. For instance, the Wuhan Institute of Virology in China recently filed an application for the registration of a national patent for the use of *remdesivir*, an experimental antiviral drug used to treat COVID-19, and first developed by a US company called Gilead. While the act of the Institute is completely within their right, is their decision to restrict access to the patent potentially life-saving drugs an ethical one in the face of the current global health emergency?



Further, pharmaceutical companies and governments in the US, UK and Europe are strongly opposed to the temporary waivers of patent rights over the production of the COVID-19 vaccines. The Pharmaceutical Research and Manufacturers of America sent a letter to President Joe Biden saying waivers would "undermine the global response to the pandemic, including ongoing effort to tackle new variants."

According to a Bloomberg tracker, enough shots have been given out to vaccinate around 4.6% of the global population, but distribution so far has been centered in wealthy, western countries. Countries like Morocco, Africa, has vaccinated no less than 0.5% of its population. It is a similar story in places like southern and western Asia and Central America, where supplies remain scarce. An estimate from The Economist found that these areas would likely not have widespread vaccine coverage until at least 2023.



Not all hope is lost. Covax, the UN-backed initiative, aims to deliver at least 2 billion doses of the currently produced vaccines by the end of 2021. Just over a week ago, Ghana became the first country to take delivery of Covax doses. Ivory Coast and Colombia have joined in on receiving a number of the vaccines as well.

"More and more low- and middle-income countries are getting very serious about making this pandemic monopoly waiver a reality, so it's time for blocking countries to do the right thing and stop standing in the way," said Yuanqiong Hu, Senior Legal and Policy Advisor at Médecins Sans Frontières (MSF) Access Campaign. "Governments that oppose the monopoly waiver proposal know that simply asking pharmaceutical corporations to voluntarily do the right thing will not get us anywhere, when these attempts have so far failed to secure global access to COVID-19 medical tools for people who urgently need them. It's time for change, not charity."

We, Pintas Group, are your optimum selection to go for any intellectual property registration (including but not limited to trademark registration, patent registration, etc.) or any IP services in any ASEAN country.

Please visit our website or contact us at +6012-797 5077 should you require our assistance.

"REGISTERED IP" - THE CORE ASSET THAT CAN DRIVE THE DEVELOPMENT OF SME ENTREPRENEURS' BUSINESS SYSTEM

The significance of intellectual property (IP) isn't always appreciated, especially the role it plays in an increasingly knowledge-driven economy. Most, if not all businesses are sparked by an idea, and the reality is that the millions of small and medium enterprises (SMEs) operating around the world always start their day with new and fresh business ideas and bringing them to the marketplace.

World Intellectual Property Day is observed annually on 26th April, and was established by the World Intellectual Property Organization (WIPO) in 2000 to "raise awareness of how patents, copyright, trademarks, and designs impact on daily life" and "to celebrate creativity, and the contribution made by creators and innovators to the development of societies across the globe".

Based on this year's theme of the national celebration, it is very important for SME entrepreneurs in Malaysia to register their products as IP because registered IP can be the most important asset that can drive the development of the business ecosystem, economic recovery and human development. IP protection further provides the owners of industrial design, copyrights, patents, trademarks and geographical indications as well as utility innovations a monopoly over an invention or an original work for a specific period of time. Apart from ensuring the owners have unrestricted rights over their invention or works, the protection also serves as a means to secure a return on investment from the innovation.

Based on this year's theme of the national celebration, it is very important for SME entrepreneurs in Malaysia to register their products as IP because registered IP can be the most important asset that can drive the development of the business ecosystem, economic recovery and human development. IP protection further provides the owners of industrial design, copyrights, patents, trademarks and geographical indications as well as utility innovations a monopoly over an invention or an original work for a specific period of time. Apart from ensuring the owners have unrestricted rights over their invention or works, the protection also serves as a means to secure a return on investment from the innovation.

The Intellectual Property Corporation of Malaysia (MyIPO) chairman, Datuk Mohamad Alamin, explained that SMEs make up about 90% of businesses worldwide, use about 50% of the global workforce, and are capable of generating up to 40% of a country's national income. However, ironically, many SME entrepreneurs, especially in Malaysia, do not realize that they can use IP and all its rights to build a stronger, more competitive and resilient business, especially in the face of the current difficult COVID-19 pandemic challenge.



SIX COMPONENTS

IP is a creation of the mind – encompassing everything from works of art to inventions, to commercial signs such as names, symbols and designs that are used for trading. IP consists of six components, namely:

Patent – a patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem.

Trademark – a trademark is any sign that includes names, signatures, words, numerals, or any combination thereof, and is capable of being represented graphically to distinguish goods or services of one undertaking from those of other undertakings.

Industrial Design – an industrial design means features of shape, configuration, pattern or ornament applied to an article which appeal to the eyes.

Copyright – a copyright is an exclusive right given to copyright owners for a certain period of time over their copyrighted works.

Geographical Indication - a geographical indication is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. The qualities, reputation or characteristics of the product should be essentially due to the place of origin.

Layout-Design of Integrated Circuits - a layout-design of an integrated circuit is the three-dimensional disposition of the elements of an integrated circuit and some or all of the interconnections of the integrated circuit or such three-dimensional disposition prepared for an integrated circuit intended for manufacture.

NEED FOR RAISING AWARENESS

An issue still to be considered is the low level of awareness in the community, which is one of the main factors why people in the country are not registering their IP, coupled with the lack of knowledge about the advantages and benefits of IP registration to businesses.

There remains a perception among SME entrepreneurs that IP protection is just an option. Generally, they pay less attention to the protection of innovations just because it is 'not mandatory' but they do not realize that their IP is exposed to the risk of being plagiarized and even registered as someone else's IP.

Statistics show that the percentage of IP application dropped from 24,245 (in 2019) to only 20,101 (in 2020). Similarly, applications from foreigners dropped from 31,941 (in 2019) to 30,797 (in 2020). Local applications are still low compared to the trend in the Southeast Asian region, and this is also affected by the spread of COVID-19 besides the implementation of the Movement Control Order (in March 2020), with MyIPO having restricted IP filing to online only.

Besides that, there is also a misconception among entrepreneurs that IP registration is expensive, they look towards the return of investment from said IP registration and commercialization of their patented products. In developed countries, private companies are actually the front runners. However, in developed countries such as Malaysia, it is the other way around because R&D is not a cheap exercise, especially as success is not guaranteed. Business owners should view IPs as an investment. IP is an intangible asset which must be protected. The law says whatever is not claimed is disclaimed, which means that if they do not protect their IP, they have effectively disclaimed their rights to the IP and therefore, third parties may copy their product if they do not have that trademark, copyright or patent. SMEs should appreciate that IP is not what they require when they are in trouble, IP is needed because they will never know when they will get struck with a legal suit.



STAYING THE COURSE

Chief Executive Officer (CEO) of SME Corporation Malaysia, Rizal Nainy, said that it is important for entrepreneurs to focus on short-term as well as long-term business plans to ensure that the rights and originality of their products or services can survive the market and are not easily imitated by other entrepreneurs.

Apart from SME Corporation Malaysia, IP investment bank Piece Future and the Malaysia Digital Economy Corporation (MDEC) are continuing to provide awareness on IP through various channels to ensure entrepreneurs know their rights, as well as encourage entrepreneurs to register their IP to protect their businesses in the long run.

One such awareness campaign named IPHatch Malaysia is a collaboration between Piece Future and MDEC to "supercharge businesses within Malaysia through technologies from renowned multi-national corporations." IPHatch Malaysia is a regional open-innovation challenge that offers patents from patent owners such as Nokia, Panasonic, and Ricoh, to award-winning business proposals from startups and entrepreneurs, whereby winners of IPHatch Malaysia will get to enjoy outstanding platform support from established incubators programmes and venture capital firms that collectively offer an invaluable ecosystem of venture funding and mentorship in IPHatch network cities. The application for IPHatch Malaysia have closed on the 11th April 2021 and will commence on Thursday, 29th April 2021.

Often inventors and entrepreneurs alike tend to think that they are too small to be copied. However one must remember, "People do not copy start-up products - they copy successful products."

Any individual and/or corporation looking to register their intellectual property in Malaysia or other ASEAN country to protect their Malaysia patent, Brunei patent, Singapore patent etc. should look no further. We, Pintas Group, are your optimum selection to go for any intellectual property registration (including, but not limited to trademark registration, patent registration, etc.) or any IP services in any ASEAN country.

Please visit our website or contact us at +6012-797 5077 should you require our assistance.

Sources:

- 1) Piece Future & MDEC collaborate to encourage startups to power growth using IP | Digital News Asia
- 2) IP the way to go for SME entrepreneurs (themalaysianreserve.com)
- 3) IP: The importance of intellectual property in economic development | The Edge MarketsWorld Intellectual Property Day - Wikipedia

SUMMARY OF 2020 IP WEBINARS



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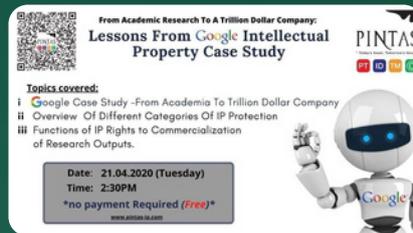
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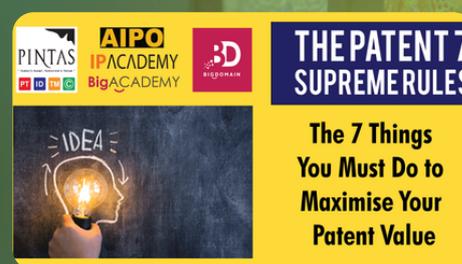


IP Facebook Case Study

IP Best Practices



7 Trademark SUPREME Rules



7 Patent SUPREME Rules



IP Amazon Case Study



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