

.U.(A) 351/99
INDUSTRIAL DESIGNS REGULATIONS 1999

Preamble

In exercise of the powers conferred by section 47 of the Industrial Designs Act 1996 [Act 552], the Minister makes the following regulations:

Regulation 1. Citation and commencement.

- (1) These regulations may be cited as the **Industrial Designs Regulations 1999**.
- (2) These Regulations shall come into operation on 1 September 1999.

Regulation 2. Interpretation.

- (1) In these Regulations, unless the context otherwise requires -

"Office" means the Industrial Designs Registration Office or any of its branch offices established under section 5;

"priority date" means the filing date of the earlier application that serves as the basis for the right of priority as provided for in section 17.

- (2) A reference to a section, subsection or paragraph in these Regulations shall be a reference to a section, subsection or paragraph in the Act.

Regulation 3. Prescribed fee and surcharge.

The fees, surcharge and other payment to be paid under the Act and these Regulations shall be as prescribed in the First Schedule.

Regulation 4. Forms.

- (1) The forms referred to in these Regulations are those contained in the Second Schedule.
- (2) Copies of the printed forms shall be furnished free of charge by the Registrar.

Regulation 5. Application for registration of an industrial design.

- (1) An application for the registration of an industrial design shall be made on ID Form 1 accompanied by the prescribed fee.
- (2) The application shall be signed by the applicant or an agent appointed by the applicant in accordance with regulation 32.
- (3) Where the applicant is the author, the application shall contain a statement to that effect, and, where he is not, the application shall specify each author's name and address and be

accompanied by a statement justifying the applicant's right to the registration.

(4) Where pursuant to section 15, two or more industrial designs are the subject of the same application, the applicant shall specify the number of designs and pay the prescribed additional fees.

Regulation 6. Language of documents and translations.

(1) The application for registration of an industrial design shall be in the national language or the English language.

(2) Where the application or any document forming part of an application is in a language other than the national language or the English language the application shall be accompanied by a certified translation and the name of the language.

Regulation 7. Classification.

The application shall indicate a class or subclass in accordance with the International Classification for Industrial Designs.

Regulation 8. Name, address, nationality and residence.

(1) Names of natural persons shall be specified in full and the names of legal entities shall be indicated by their full official designation.

(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery and, in any case shall comprise of all the relevant administrative units, including the house number, telegraphic and telex addresses and facsimile and telephone number, if any.

(3) The nationality of an applicant shall be indicated by the name of the country of which he is a national and legal entities shall indicate the name of the country in which the entities are constituted and their registered office.

Regulation 9. Common representative.

If an application is submitted by more than one applicant and the applicants have not appointed an agent to represent them -

(a) the applicants shall designate one of them as their common representative; or

(b) if the applicants do not designate one of them as their common representative, the applicant first named in the application shall be considered the common representative.

Regulation 10. Size, etc. of documents.

(1) Subject to any directions that may be given by the Registrar in any particular case, all applications, notices, papers having representations thereon, and other documents filed under the Act or these Regulations -

(a) shall be in A4 size (29.7 cm x 21 cm) strong paper;

(b) except where otherwise required, shall appear on one side only;

(c) shall be free from cracks, creases or folds; and

(d) shall be so presented as to admit of direct reproduction by photography, electrostatic process, photo offset and microfilming, with representations appearing on one side with a left-hand margin of approximately 3 cm.

(2) Representations shall be filed in six copies.

(3) Where representations consist of specimens, the specimens shall be of a size not exceeding 20 cm x 20 cm x 20 cm.

(4) The Registrar may require the specimens to be replaced by representations comprising of drawings, tracings or photographs.

(5) The photographs and drawings shall be of a size of 12.5 cm x 9 cm.

(6) In an application where words, letters or numerals appear in an industrial design, the Registrar may require that a disclaimer of any right to their exclusive use shall appear on each representation.

Regulation 11. Numbering of industrial designs.

(1) Each industrial design contained in an application shall be given a number.

(2) The numbering shall appear in the margin next to each representation.

(3) When the same article is represented on the representation from different angles, the numbering shall consist of two separate figures separated by a dot.

(4) Each industrial design included in a multiple application shall be shown by a different number.

Regulation 12. Statement of novelty.

(1) Except in the case of an application to register the pattern or ornament of a design to be applied to a textile article, to wallpaper or similar wall covering or to lace or to sets of textile articles, wallpaper or similar wall covering or lace, the statement of novelty required under paragraph 14(1)(c) shall appear on each representation.

(2) The statement of novelty shall appear only on the front of the first sheet of each representation except in a case which the Registrar, in the guidelines issued by him specifies that it is impracticable, such statement shall appear at a place specified by the Registrar in the same guidelines, and shall be separated from any other statement or disclaimer.

Regulation 13. Disclosure to be disregarded as prior disclosure.

In a case where an applicant is aware, at the time of filing his application, of relevant prior disclosure which may qualify to be disregarded under subsection 12(3) for the purposes of determining whether his industrial design or designs is or are new, he shall either state the facts in a statement accompanying his application or he shall notify the Registrar as soon as practicable, in writing, giving the relevant facts.

Regulation 14. Declaration claiming priority and translation of earlier application.

(1) The declaration referred to in subsection 17(2) shall be made at the time of filing an application for registration of an industrial design and shall specify -

(a) the date of the earlier application;

(b) subject to subregulation (2), the number of the earlier application;

(c) subject to subregulation (3), the class and subclass number in accordance with the International Classification for Industrial Designs which has been allocated to the earlier application;

(d) the name of the country in which the earlier application was filed or, where the earlier application is a regional or an international application, the name of the country or countries for which the regional or international application was filed; and

(e) where the earlier application is a regional or an international application, the office with which the application was filed.

(2) Where at the time of filing the declaration referred to in subregulation (1), the number of the earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed.

(3) Where a class or subclass number of the International Classification for Industrial Designs has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subregulation (1), the applicant shall state the fact in the declaration and shall communicate such class or subclass number as soon as it has been allocated.

(4) The applicant may, at any time before registration of an industrial design, amend the contents of the declaration referred to in subregulation (1).

(5) The period for furnishing a certified copy of the earlier application, referred to in subsection 17(3), shall be three months from the date of the request by the Registrar, and where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(6) Where the earlier application is in a language other than the national language or the English language, the applicant shall, within six months from the date of the request by the Registrar referred to in subregulation (5), furnish a certified translation of the earlier application in the national language or the English language.

(7) Where the Registrar treats the declaration of priority as invalid under subsection 17(5) , he shall inform the applicant in writing of the reason or reasons.

Regulation 15. Representation which consists of a repeating surface pattern.

Each representation of an industrial design which consists of a repeating surface pattern shall show a complete pattern and a sufficient portion of the repeat in length and width, and shall be of a size not less than 18 cm x 13 cm x 18 cm x 13 cm.

Regulation 16. Consent to registration.

(1) Where a portrait of Seri Paduka Baginda Yang di-Pertuan Agong or, Ruler of a State, or the reproduction of the armorial bearings, insignia, orders of chivalry, decorations of flags of any country, state, city, town, society, body corporate, institution or person appears on an industrial design, the Registrar shall consider whether to refuse to accept an application for the registration of the industrial design unless a consent to the registration and use of such portrait or reproduction from such official or other person as appears to the Registrar to be entitled to give consent is filed.

(2) In default of the consent referred to in subregulation (1) the Registrar shall refuse to register the industrial design.

Regulation 17. Associated application in respect of other articles, etc.

Where the application is for the registration of an industrial design which has already been registered in respect of one or more articles, or consists of a registered industrial design with modifications or variations not sufficient to alter the character or to substantially affect the identity of the industrial design, and it is desired to claim the protection of section 23 for such application, it shall contain -

(a) the number or numbers of the registration or registrations already effected or the application or applications already made, as the case may be; and

(b) the number of the industrial design which is the subject of such registration or application.

Regulation 18. According and notifying filing date.

(1) The Registrar shall cause the application for registration of an industrial design to be examined to determine whether the application satisfies the conditions under section 16.

(2) Where the Registrar finds that the application did not at the time of receipt satisfy the conditions referred to in subregulation (1), he shall, by notice require the applicant to file a correction and shall accord as the filing date the date of receipt of the correction, but if no correction is made within three months from the date of the notice, the application shall be deemed to have not been filed.

(3) The requirement to file a correction under subregulation (2) shall be in writing and shall specify the correction or corrections required.

(4) Once the Registrar accords a filing date, he shall send to the applicant a certificate of filing in

the form of a copy of the application form with the filing date and application number marked on it.

(5) If the application is deemed to have not been filed, the Registrar shall notify the applicant in writing, specifying the reason or reasons.

Regulation 19. Formal requirements and examination.

(1) For the purposes of subsection 21(5) the requirements of regulations 3 to 14 shall be designated as formal requirements.

(2) Where the Registrar determines that the application does not satisfy any of the formal requirements, the Registrar shall notify the applicant in writing and give him an opportunity to make observations on such finding and amend the application within three months from the date of the notification.

(3) If within the specified period, the applicant fails to satisfy the Registrar that the formal requirements have been complied with, or to amend the application so as to comply with the requirements the Registrar may refuse the application or, in the case of a multiple application, exclude from the registration any industrial design in respect of which the requirements have not been complied with.

(4) The Registrar shall notify the applicant, in writing, of his decision to accept or refuse the application or to exclude the industrial design.

(5) An application which, owing to any default or neglect on the part of the applicant has not been completed so as to enable registration to be effected within twelve months from the date of application shall be deemed to be withdrawn.

Regulation 20. Certificate of registration.

(1) The certificate of registration of an industrial design referred to in paragraph 22(1)(b) shall be in the form set out in the Third Schedule.

(2) Where pursuant to section 15 two or more industrial designs are the subject of the same application, the Registrar shall, issue a common certificate of registration for those designs.

Regulation 21. Particulars to be recorded in the Register.

The Register of Industrial Designs shall contain, in respect of each industrial design -

(a) the particulars given in the certificate of registration;

(b) an entry made under subregulation 26(2) ;

(c) the date on which the industrial design expired, or was surrendered, or invalidated;

(d) the name of the agent appointed in accordance with regulation 32, his address or the address for service, if any; and

(e) the name of the country or countries in which or for which any earlier application was filed from which priority is claimed.

Regulation 22. Publication of contents of registration.

In addition to the matters to be published in the *Gazette* under subsection 22(2) , there shall also be published-

- (a) the particulars recorded in the Register under regulation 21;
- (b) a representation of the industrial design; and
- (c) any change in ownership of a registration under subregulation 26(1) with details on -
 - (i) the number of the application or registration, as the case may be, of the industrial design;
 - (ii) the filing date, the priority date, if any, and the date of registration;
 - (iii) the owner and the new owner; and
 - (iv) the nature of the change of ownership.

Regulation 23. Extension of period of registration.

- (1) An application for extension of the period of registration under subsection 25(2) shall be made on ID Form 2 accompanied by the prescribed fee, within six months before the expiration of the current term or upon payment of the prescribed surcharge in the period of grace allowed under subsection 25(3) .
- (2) Upon extension of the period of registration, the Registrar shall issue a certificate of extension in the form set out in the Fourth Schedule.
- (3) The lapse of a registration for non-payment of the prescribed extension fee shall be recorded in the Register in respect of all the industrial designs affected.
- (4) This regulation shall also apply to the extension of the period of registration of industrial designs mentioned in subsection 50(2) .
- (5) Any extension fee paid shall not be refundable.

Regulation 24. Request for restoration.

- (1) A request for restoration of a lapsed registration pursuant to subsection 26(1) shall be made to the Registrar on ID Form 3 together with the prescribed fee and statement supporting the request.
- (2) If, upon consideration of the application, the Registrar is not satisfied that a case for restoration under subsection 26(2) has been made out, he shall notify the applicant accordingly and, unless within one month from the date of the notification the applicant requests to be heard, the Registrar shall refuse the request.

(3) If the applicant requests a hearing within one month from the date of the notification referred to in subregulation (2) , the Registrar shall, after giving him an opportunity to be heard by filing in written submissions within a specified time, determine whether the request shall be allowed or refused.

(4) If the Registrar decides to allow the application he shall notify the applicant accordingly and require him to file ID Form 2 together with the prescribed fee, any outstanding extension fee and the prescribed surcharge.

Regulation 25. Notice of opposition to restoration.

A notice of opposition to the restoration of a registered industrial design under subsection 26(3) shall be made to the Registrar on ID Form 4 accompanied by the prescribed fee.

Regulation 26. Application to record assignment, transmission or other operation of law.

(1) An application under subsection 30(1) to record in the Register an assignment, transmission or other operation of law affecting rights in a registered industrial design or an application for the registration of an industrial design shall -

- (a) be made to the Registrar on ID Form 5; and
- (b) be accompanied by the prescribed fee, a certified copy of the assignment, transmission or other operation of law, as the case may be.

(2) Where satisfied that the application has been completed, the Registrar shall make such entry in the Register as he thinks fit.

Regulation 27. Application for rectification or request for revocation.

(1) An application to the Registrar for rectification of the Register pursuant to subsection 24(3) or a request for revocation of registration of the industrial design under subsection 27(2) shall be made on ID Form 6 accompanied by the prescribed fee and a statement setting out fully the applicant's interest and the facts upon which he relies.

(2) Where the applicant is other than the owner of the industrial design, a copy of the application and the statement referred to in subregulation (1) shall be given to the owner.

(3) If the owner desires to oppose the application for rectification of the Register or revocation of registration of the industrial design he shall within three months from the date of receipt of the application file a notice of opposition which shall include a statement of the grounds upon which the owner objects to the application and shall give a copy to the applicant.

(4) An owner who does not file a notice of opposition shall be deemed to have no objection.

(5) Within two months from the date of receipt of the notice of opposition filed in accordance with subregulation (3) , the applicant may file a counter-statement setting out the grounds on which he relies as supporting his application and the facts, if any, alleged in the notice of opposition which he admits, and shall at the same time give a copy to the owner.

(6) If no counter-statement is filed in accordance with subregulation (5) , the application shall be

deemed abandoned.

(7) If a counter-statement is filed in accordance with subregulation (5) , the Registrar shall, after giving the owner and the applicant an opportunity to be heard by filing in written submissions within a specified time, decide on the matter.

Regulation 28. Application to Court.

(1) An application to the Court under paragraph 24(1)(a), subsection 24(3) or paragraph 27(1) (a), (b) or (c) may be made by notice of motion.

(2) A copy of the application under subregulation (1) shall be given to the Registrar on ID Form 7 by filing it at the Office.

(3) The application under subsection 24(1) or (3) shall be made to the Court within one month from the date of the publication in the *Gazette* referred to in subsection 22(2) .

(4) The time specified in subregulation (3) may be extended by the Court or the Registrar upon the application of any interested party, notwithstanding that the time so specified has expired.

Regulation 29. Order of Court.

(1) Where an order is made by the Court, the applicant shall file an office copy of the order with the Registrar and, if rectification of the Register is required, ID Form 8 accompanied by the prescribed fee.

(2) The Register shall, where appropriate be rectified by the Registrar accordingly.

Regulation 30. Amendment of application and registered industrial design.

(1) A request to amend an application for the registration of an industrial design or a registered industrial design or any document associated therewith, under subsection 19(1) or 40(1) , shall be made on ID Form 9 accompanied by the prescribed fee.

(2) Where a request under subregulation (1) relates to the correction of a clerical error or obvious mistake, the request shall be accompanied by evidence stating the circumstances in which the error or mistake occurred.

(3) Amendments or corrections made shall be communicated in writing to all interested persons and where he considers necessary, the Registrar shall cause the amendments or corrections to be published in the *Gazette*.

(4) Corrections of obvious clerical errors may be made by the Registrar on his own initiative. In that case, subregulation (3) shall apply *mutatis mutandis*.

Regulation 31. Discretionary power and opportunity to be heard.

- (1) The Registrar shall serve a notice on an owner of an industrial design or any interested person of his intention to exercise adversely any discretionary power given to him by the Act or these Regulations.
- (2) The person on whom a notice is served under subregulation (1) shall, within two months from the date of the notice, make written representations to the Registrar which shall be taken into consideration by the Registrar to arrive at a decision.
- (3) If no written representations are made within the prescribed period, the Registrar may proceed to exercise his power in the absence of such representation.
- (4) The decision of the Registrar in the exercise of any such discretionary power shall be notified to the person affected.

Regulation 32. Appointment of an agent.

- (1) Except as otherwise required by the Act or these Regulations, any person may be represented in proceedings before the Office by an agent who may attend, file and sign documents on that person's behalf.
- (2) Where a person becomes a party to proceedings before the Registrar appoints an agent for the first time or appoints an agent in substitution for another, the agent appointed shall file ID Form 10 with the Registrar, in duplicate on or before the first occasion on which he acts as an agent for that party in the proceedings.
- (3) No person may appoint more than one agent to act for him concurrently in respect of the same industrial design, whether in respect of the same or different transactions; and where more than one agent is on record, the Registrar shall recognize only the latest agent duly appointed.
- (4) The Registrar shall decline to recognize as an agent any person who is not currently on the Register of Industrial Designs Agents of Malaysia compiled and maintained under regulation 33.

Regulation 33. Registration of agents.

- (1) The Registrar shall maintain a Register of Industrial Designs Agents.
- (2) An application to be registered as an industrial design agent shall be made to the Registrar on ID Form 11 accompanied by the prescribed fee.
- (3) In order to be registered in the Register of Industrial Designs Agents, the applicant shall satisfy the Registrar that he is either domiciled or resident in Malaysia or has a principal place of business in Malaysia, and -
 - (a) is on the Register of Patents Agents maintained in pursuance of regulations made under the Patents Act 1983 [*Act 291*];
 - (b) is an advocate and solicitor practising solely in Malaysia; or

- (c) holds a recognized degree in any field of studies and has had at least three years experience in the field of industrial property.
- (4) The Registrar shall not register any person who has been convicted of any registrable offence or any criminal offence involving fraud or dishonesty.
- (5) The Registrar, upon being satisfied that the applicant qualifies to be registered in the Register of Industrial Designs Agents, shall register the applicant for a term expiring on 31 December of that year.
- (6) An agent shall be removed from the Register of Industrial Designs Agents if he -
- (a) is no longer domiciled or resident in Malaysia or no longer has a principal place of business in Malaysia;
 - (b) is convicted of a registrable offence or any criminal offence involving fraud or dishonesty; or
 - (c) has been struck off and not restored to the Register of Patents Agents or the Roll of Advocates and Solicitors or is suspended for the time being from that Register or that Roll.
- (7) An application for the extension of registration as an industrial design agent shall be made to the Registrar on ID Form 12 together with payment of the prescribed fee before 31 January of each year.
- (8) The Registrar shall, upon being satisfied that the conditions specified in subregulations (3) and (4) continue to be satisfied, extend the registration of an industrial design agent for a term expiring on 31 December of that year.

Regulation 34. Power to require documents.

At any stage of any proceedings before the Registrar, he may direct that additional documents, information or evidence be furnished within such period as he may determine.

Regulation 35. Evidence.

- (1) Where under these Regulations evidence may be filed, the evidence shall be by statutory declaration or affidavit.
- (2) The Registrar may, if he thinks fit, in any particular case, take oral evidence in lieu of or in addition to such evidence and shall allow any witness to be cross-examined on his declaration or affidavit.

Regulation 36. Statutory declarations and affidavits.

- (1) Any statutory declaration or affidavit filed under these Regulations or used in any proceedings under it, shall be made and subscribed as follows:
- (a) in Malaysia, in accordance with the provisions of the Statutory Declarations Act 1960 [Act 13] or the Rules of the High Court 1980 [P. U. (A) 50/80], as the case may be;
 - (b) in any other part of the world before any court, judge, justice of the peace, magistrate,

notary public, consul or other officer authorized by law in that part of the world to administer an oath for the purpose of any legal proceedings.

(2) Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorized by subregulation (1) to take a declaration or to attest an affidavit may be admitted without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration or to attest the affidavit.

Regulation 37. Power to dispense with evidence.

Where, under these Regulations, any person is required to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Registrar that by any reasonable cause that person is unable to do that act or thing or that document or evidence cannot be produced or filed, the Registrar may, upon the production of such other evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

Regulation 38. Rectification of irregularities.

Any irregularity in procedure in or before the Office may be rectified on such terms as the Registrar may direct.

Regulation 39. Signatures on documents.

(1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed -

(a) by all the partners;

(b) by the principal acting partner stating that he signs on behalf of all the partners; or

(c) by an agent or any other person who satisfies the Registrar that he is authorized to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed -

(a) by a director or the secretary or other principal officer of the body corporate; or

(b) by an agent or any other person who satisfies the Registrar that he is authorized to sign the document.

(3) A document purporting to be signed for or on behalf of an association of persons other than a partnership may be signed by the secretary or an agent or any other person who satisfies the Registrar that the person is authorized to sign the document on behalf of the association.

(4) The Registrar may, whenever he deems it necessary, request evidence of authorization to sign.

Regulation 40. Address for service.

(1) Subject to subsection 14(2), any person concerned with any proceedings under the Act or any regulations made under it shall furnish to the Registrar an address for service in Malaysia which may be treated for all purposes concerning with or relating to such proceedings as the actual address of the person concerned.

(2) Notwithstanding subregulation (1), where an agent has been appointed, the address for service shall be the address of the agent.

(3) Notwithstanding subregulations (1) and (2), the address for service in Malaysia of a person applying for registration of an industrial design shall, following registration, be treated as the address for service in Malaysia of the owner of the industrial design unless an alternative address for service is furnished.

Regulation 41. Excluded days.

Whenever the last day fixed by the Act or by these Regulations for doing any act or thing at the Office falls on a day which is an excluded day, it shall be lawful to do the act or thing on the first day following such excluded day which is not an excluded day.

Regulation 42. Service by post.

Any notice, application or other document required by the Act or these Regulations to be sent by post shall be sent by A. R. registered post and shall be deemed to have been given, made or filed at the time when it would have been delivered in the ordinary course of such post.

Regulation 43. Request for extension of time.

(1) A request under section 43 for an extension of time shall be made to the Registrar on ID Form 13 accompanied by the prescribed fee.

(2) The maximum period for extension of time shall not exceed three months from the specified date.

Regulation 44. Time for inspection of Register.

The Register shall be opened for the inspection of the public during working hours.

Regulation 45. Request for copies or extracts.

Any request for certified or uncertified copies of or extracts from any entry or document in the Register shall be made on ID Form 14 accompanied by the prescribed fee.

Regulation 46. Inspection of files.

Any file relating to an assignment, transmission or other operation of law may be inspected and copies obtained from it only with the written permission of an interested person.

FIRST SCHEDULE

FIRST SCHEDULE

FEES

<i>Matters or Proceedings</i>	(Regulation 3) <i>Amount of Fee RM</i>	<i>Industrial Design (ID) Form</i>
1. Application for the registration of an industrial design:		1
for a single design	400. 00	
for each additional design specified	200. 00	
(Regulation 5)		
Publication for each view of the representation contained in the application	50. 00	
(Regulations 10 and 22)		
2. Application for extension of the period of registration: for second period of -		2
(a) a single industrial design	600. 00	
(b) each additional industrial design	300. 00	
for third period of -		
(a) a single industrial design	800. 00	
(b) each additional industrial design	400. 00	
Surcharge shall be payable under subsection 25(3) in respect of period of grace in making application for the extension of period of registration:		
for each period of one month (not exceeding six months in total)	100. 00	
(Regulation 23)		
3. Request to restore a registered industrial design	600. 00	3
(Regulation 24)		

Surcharge payable under subregulation
24(4) :

for each period of one month (not exceeding six months in total)	50. 00	
4. Notice of opposition to the restoration of an industrial design	50. 00	4
(Regulation 25)		
5. Application to record the assignment, transmission or other operation of law to a registered industrial design or application for registration of an industrial design	200. 00	5
(Regulation 26)		
6. Application for rectification of the Register or request for revocation of registration	100. 00	6
(Regulation 27)		
7. Submission of a copy of an application to Court	Free	7
(Regulation 28)		
8. Notice of order of Court for rectification of the Register	100.00	8
(Regulation 29)		
9. Request for amendment of an application for registration of an industrial design or a registered industrial design	100. 00	9
(Regulation 30)		
10. Appointment or change of agent and change of address for service	30. 00	10
(Regulations 32 and 40)		
11. Application for registration as an Industrial Designs Agent	1,000. 00	11
(Subregulation 33(2))		
12. Application for extension of registration as an Industrial Designs	400. 00	12

Agent

(Subregulation 33(7))

13. Request for extension of time:	200. 00	13
for each period of one month (not exceeding three months in total)	50. 00	

(Regulation 43)

14. Request for certified or uncertified copies of or extract from entries, documents, <i>etc.</i> :		14
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(a) for certified copy or extract	10. 00 per page
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(b) for uncertified copy or extract	5. 00 per page
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(Regulation 45)

SECOND SCHEDULE

SECOND SCHEDULE

FORMS

(Regulation 4)

ID FORM 1

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Section 14 and regulation 5)

INTELLECTUAL PROPERTY DIVISION
Industrial Designs Registration
Office

Application for registration of an Industrial Design

(See the notes on the back of this Form)

Application number :
(For official use only)

1.Full name and address of/ each applicant:
(Names of individuals including all partners in a firm shall be given in full. Underline the surname or family name. For a corporate body give its company name)

If the applicant is a corporate body, give country/state of incorporation.

2. Full name and address of the author:

3. Name of agent (if applicable):

Address for service in Malaysia to which correspondence should be sent:

4. Name the particular article or set of articles to which the design applies:

5. Classification:

Enter the class/subclass number in accordance with the International Classification for Industrial Designs.

6. Multiple application:

Enter the number of industrial design applied for registration (if any):

7. Association:

Enter the application number or registration number of the earlier design with which the applicant seeks association under section 23 and regulation 14.

8. Declaration of priority (if any):

Country

Date of filing
(day/monthly/year)

Give the convention country and filing date of any previous application made abroad from which priority is claimed under section 17.

9. If the details in column 8 applies, and the previous application was not made in the name(s) given in column 1, give details of the instrument (for example, deed of assignment) which gives the applicant the right to apply for registration. Include appropriate name(s) and date(s):

(If this information is not given at the time this Form is filed, you must submit it before this industrial design is registered)

10. Divisional application :

Number
(day/month/year)

Date of filing

Give the number and filing date of any relevant earlier application whose filing date is claimed under section 20

(f) Different fees shall be payable according to whether the application relates to a single or multiple application. For details of the fee(s) and ways to pay please contact the Industrial Design Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

ID FORM 2

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Subsection 25(2) or Subsection 50(2)
and Regulation 23)

INTELLECTUAL PROPERTY DIVISION
Industrial Designs Registration
Office

**Application for extension of the period
of registration**

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Registered industrial design number:

3. Full name of the/each owner:

4. Is this application for an extension for a second
or third period?
State 2 or 3
[See also note (c)]

5. When is the extension fee due?

How may period of grace do you want if the
application for extension is late?
[See note (d)]

6. If the registration contains more than one
industrial design and extension is not applied for in
respect of all of them, state the number of each
industrial design for which extension is applied for:

7. Extension fee RM.....

Surcharge (if Applicable) RM.....

Total RM.....
enclosed

8. Full name and address in Malaysia to which the certificate of extension is to be sent:

9. Declaration:

I/We apply for an extension of the period of registration of the above registered industrial design.

(Delete whichever not applicable)

.....
Signature(s)

.....
Date

10. name and telephone number of person to contact in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Designs Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) For United Kingdom registered design, state 2,3,4 or 5 whichever applicable.

(d) You can make an application on this Form within a period of six months after the date the extension fee is due, as long as you pay the extension fee and the surcharge within that period.

(e) You shall send the extension fee and any surcharge for a late application with this Form.

(f) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

(g) For details of the fee(s) and ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

ID FORM 3

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Subsection 26 and Regulation 24)

INTELLECTUAL PROPERTY DIVISION
Industrial Designs Registration
Office

Request to restore a registered industrial design

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Registration number:
[See note (e)]

3. Full name of the/each owner:

4. Full name and address of the/each applicant
applying for restoration:
(Leave blank if this information is the same as
given in column 3)

5. Name of agent (if applicable):

Address for service in Malaysia to which
correspondence should be sent:

6. If this application is being made by the owner(s),
do you want the address in column 5 to replace the
address for service currently on the Register?

(State YES or NO)

7. Grounds for this application:
[See note (c)]

8. Restoration fee: RM.....enclosed

9. Declaration:

I/We apply for the above registered industrial
design to be restored.
(Delete whichever not applicable)

.....
Signature(s)

.....
Date

10. Name and telephone number of person to
contact
in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Design Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) You shall enclose supporting evidence in the form of statutory declaration(s) or

affidavit(s) with this Form.

(d) In the case where the request is made for only one or some of the industrial designs included in the registration, please also specify the number(s) of the industrial design(s) concerned.

(e) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

(f) For details of the fee(s) And ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

ID FORM 4

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Subsection 26 and Regulation 25)

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

**Notice of opposition to the restoration
of an industrial design**

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Registration number:
[See note (c)]

3. Full name and address of the/each
applicant/owner as currently appears on the
Register or application:

4. Full name and address of the/each person
making this notice:

5. Grounds for this notice:
[See note (d)]

6. Name of agent (if applicable):

Address for service in Malaysia to which
correspondence should be sent:

7. Declaration:
[Name of each signatory should also be entered,
and status if relevant]

I/We confirm that a copy of this Notice has
been given on the applicant for the restoration
of the above industrial design in accordance

[See note (d)]

with subsection 26(3).

(Delete whichever not applicable)

.....
<i>Signature(s)</i>	<i>Date</i>

8. Name and telephone number of person to contact in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Designs Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) In the case where the notice of opposition concerns only one or some of the industrial designs included in the registration, please also specify the number(s) of the industrial design(s) concerned.

(d) Column 7 should be signed and dated by or on behalf of the person(s) making this opposition. Sufficient evidence to establish the grounds of this notice should be enclosed with this Form.

(e) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

ID FORM 5

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Subsection 30 and Regulation 26)

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

**Application to record the assignment,
transmission or other operation of law to a
registered industrial design or application for
registration of an industrial design**

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Application or registration number(s):
[See note (c)]

(c) You may use this Form for more than one application registration if the same request is involved. In the case of partial assignment, the specific number of each industrial design assigned should follow the number of each application or registration concerned.

(d) Column 7 should be signed and dated by or on behalf of the person(s) making this application.

(e) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form

(f) The certificate or registration of any industrial design mentioned in column 2 of this Form will not be amended. So do not return the certificate(s) with this Form.

(g) For details of the fee(s) and ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

ID FORM 6

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Subsection 24(3) or 27(2) and Regulation 27)

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

**Application for rectification of the Register or
request for revocation of registration**

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Registration number:

3. Full name of the/each owner:

4. Full name and address of the person making the
application/request on this Form:

(Leave blank if this information is the same as
given in column 3)

5. Name of agent (if applicable):

Address for service in Malaysia to which
correspondence should be sent:

6. Explain the nature of your application:
[See notes (c) and (f)]

7. Declaration: I/We apply/request for rectification of the Register/revocation of registration

(Delete whichever not applicable)

.....
Signature(s)

.....
Date

8. Name and telephone number of person to contact in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Design Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) You can use this Form to :
(i) apply for rectification of the Register; or

(ii) request for revocation of the registration of an industrial design.

[For both (i) and (ii) you shall submit a statement setting out the nature of your interest, and facts on which you rely]

(d) If the space provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

(e) In the case where this application concerns only one or some of the industrial designs contained in a registration, please also specify the number of the industrial designs concerned.

(f) Where subparagraph (c)(i) is applied or (ii) is requested you shall submit two copies of this Form and of the required statement.

(g) For details of the fee(s) and ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

ID FORM 7

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

(d) Column 6 should be signed and dated by or on behalf of the person(s) making the application to Court.

(e) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

ID FORM 8

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Paragraph 24(1)(d) and Regulation 29)

INTELLECTUAL PROPERTY DIVISION
Industrial Designs Registration
Office

**Notice of order of Court for rectification of
the Register**

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Registration number:

3. Full name of the/each owner :

4. Name of agent (if applicable):

Address for service in Malaysia to which
correspondence should be sent:

5. Details of the rectification required to be made:

(An office copy of the order of Court shall be
attached)

6. Declaration:

I/We submit a copy of the notice of order of
the Court for rectification of the Register.

(Delete whichever not applicable)

.....
Signature(s)

.....
Date

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Designs Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) In the space provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

ID FORM 9

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

(Section 19 or 40 and Regulation 30)

**Request for amendment of an application for
registration of an industrial design or a
registered industrial design**

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Application or registration number(s):
[See note (c)]

3. Full name and address of the/each
applicant/owner as currently recorded on the
application(s) or the Register:

4. Full name and address of person(s) making the
request:

(Leave blank if this information is the same as
given in column 3)

5. Give details of new name, if applicable:
[See notes (d), (e) and (g)]

6. Give details of amendment to be made, if
applicable:
[See notes (d) and (f)]

7. If the request is to alter the name or address,
does the alteration apply to all application for
registration of an industrial design or registered
industrial designs in that name?

(State YES or NO)

8. Name of agent (if applicable):

Address for service in Malaysia to which
correspondence should be sent:

9. Declaration:

I/We apply for amendment of the application
for registration of an industrial
design/registered industrial design.

(Delete whichever not applicable)

.....
Signature(s)

.....
Date

10. Name and telephone number of person to
contact in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Design Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) You may use this Form to amend more than one application for registration of an industrial design or registered industrial design if the same request is involved. In the case where this request concerns only one or some of the industrial design included in an application or registration, please also specify the number(s) of the industrial design(s) concerned.

(d) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

(e) You should enclose proof of any changes of names; for example a copy of the Certificate of Incorporation on a change of name.

(f) In the case of request to correct a clerical error or obvious mistake such person making the request shall give details of the error or mistake and state his or her interest in the matter unless he or she is named in column 3. This Form shall be accompanied by evidence stating the circumstances in which the error or mistake occurred.

(g) In the case of the certificate of registration of any industrial design mentioned in column 2 to be amended because of a request to alter name and address, please return the certificate(s) with this Form if that is your only request.

(h) For details of the fee(s) and ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division Ministry of Domestic Trade and Consumer Affairs.

a new agent in substitution for another or change of agent and address for service. Where the agent replaces another, two copies of this Form shall be filed. The Office will send a copy to the former agent. If an application for registration of an industrial design has not been filed yet, leave column 1 blank.

ID FORM 11

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Sections 47 and Subregulation 33(2))

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

**Application for registration as an Industrial
Designs Agent**

(See the notes on the back of this Form)

1. Application number(s):
(For official use only)

2. Full name and address of the applicant:

3. Nationally:

4. Permanent residence or principal place of
business (including current telephone and fax
number):

5. Qualification:
[See note (c)]

6. Experience:

[See note (d)]

7. Declaration:

I apply for registration as an Industrial Design
Agent. I also declare that all information given
above is true and correct.

.....
Signature

.....
Date

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Designs Registration Office at 603-22742100.

type them.

(c) Please attach copies of qualification certified by the Commissioner for oaths.

ID FORM 13

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Section 43 and Regulation 43)

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

Request for extension of time

(See the notes on the back of this Form)

1. Application number:
(For official use only)

2. Full name of the/each applicant:

3. Name of agent (if applicable):

Address for service in Malaysia to which
correspondence should be sent:

4. How long an extension do you want?
State 1,2, or 3 months
[See note (c)]

5. Completion date:

(State the completion date of the act or thing in
respect of which the extension of time is requested,
regard to the extension of time in column 4)

6. Declaration:

I/We request for an extension of time to the
date stated in column 5.

(Delete whichever is not applicable)

.....
Signature(s)

.....
Date

7. Name and telephone number of person to
contact in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Designs Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) The period for completing an application may be extended by up to three month if you pay the fee for each extra month.

(d) For details of the fee(s) and ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

ID FORM 14

MINISTRY OF DOMESTIC TRADE
AND CONSUMER AFFAIRS, MALAYSIA

Industrial
Designs Act 1996
Industrial Designs
Regulations 1999
(Sections 9 and 47 and Regulation 45)

INTELLECTUAL PROPERTY DIVISION,
Industrial Designs Registration
Office

**Request for certified or uncertified copies of or
extract from entries, documents, etc.**

(See the notes on the back of this Form)

1. Application or registration number:

2. Full name of the/each applicant/owner of the
industrial design as currently appears on the
Register or applications(s)

3. Do you want-

(a) certified or uncertified copy of; or

(b) certified or uncertified extract; or

(c) Registrar's certificate (tick whichever is
applicable)

How many copies do you require?

4. Full name and address in Malaysia to which
copies, extracts or certificate be sent:

(If you have any special delivery/collection
instructions, please give details)

5. Have you enclosed the documents to be certified?

If not, the Office will, if possible, prepare photocopies.
[See note (e)]

6. Declaration:

I/We request for the document(s) which is ticked in column 3 and shall be sent to the name and address given in column 4.

(Delete whichever not applicable)

.....
Signature(s)

.....
Date

7. Name and telephone number of person to contact in Malaysia:

NOTES:

(a) If you need help to fill in this Form or you have any questions, please contact the Industrial Designs Registration Office at 603-22742100.

(b) State your details in the column provided in capital letters using **black ink** or you may type them.

(c) Only use this Form to request the following:

- a certified or uncertified copy of or extract from any entry in the Register;
- a certified or uncertified copy of or extract from any representation or document kept in the office;
- a certificate for the purpose of paragraph 9(4)(b) of the Act.

(d) If the Registrar is requested to certify particulars of the industrial design, it should be made clear whether the request relates to the industrial designs as originally filed or as registered.

(e) Items supplied for certification in column 5 shall be identical to the corresponding document in the official file.

(f) If the column provided is insufficient, please continue on a separate sheet of paper and write "see overleaf". Any separate sheet of paper used should be attached to this Form.

(g) For details of the fee(s) and ways to pay please contact the Industrial Designs Registration Office, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs.

THIRD SCHEDULE

THIRD SCHEDULE

INDUSTRIAL DESIGNS ACT 1996

INDUSTRIAL DESIGNS REGULATIONS 1999

(Regulation 20)
KEMENTERIAN PERDAGANGAN DALAM NEGERI
DAN HAL EHWAL PENGGUNA MALAYSIA,
BAHAGIAN HARTA INTELEK

Ministry of Domestic Trade and Consumer
Affairs Malaysia, Intellectual Property
Division

CERTIFICATE OF REGISTRATION OF AN INDUSTRIAL DESIGN

Registration Number :

Registration Date :

Priority Date(s) :

Filing Date :

Date of Issue of Certificate :

Articles or set of Articles in
respect of which the Industrial
Design is registered :

This is to certify that,

in pursuance of and subject to the provisions of the Industrial Designs Act 1996 and Industrial Designs Regulations 1999, the Industrial Design or Designs, of which a representation or representations is or are attached, has or have been registered as of the date of registration shown above in the name of at in respect of the application for registration of the Industrial Design.

.....
(.....)
Registrar of Industrial Designs

FOURTH SCHEDULE

FOURTH SCHEDULE

INDUSTRIAL DESIGNS ACT 1996

INDUSTRIAL DESIGNS REGULATIONS 1999

(Regulation 23)
KEMENTERIAN PERDAGANGAN DALAM NEGERI
DAN HAL EHWAL PENGGUNA MALAYSIA,
BAHAGIAN HARTA INTELEK

Ministry of Domestic Trade and Consumer
Affairs Malaysia, Intellectual Property
Division

CERTIFICATE OF EXTENSION OF PERIOD
OF REGISTRATION OF AN INDUSTRIAL DESIGN
IN THE MATTER OF an application to
extend the period of registration
of a Registered Industrial Design

I, THE UNDERSIGNED being an officer authorized to sign and issue certificates on behalf of the Registrar, certify that this industrial design registered under the Industrial Designs Act 1996 continues in force with its period of registration extended for a further five years as follows:

Registration Number :

Registered in the name of :

Date of extension applied :

Period of registration extended to expire :

Witness my hand this day of 1999.

.....
(.....)
*acting for the Registrar of
Industrial Designs*

Made 14 July 1999.
[KPDN/BHI/R-0.7/8/2 Jld. 3; PN(PU²)588/II]

DATO' SERI MEGAT JUNID BIN MEGAT AYOB
*Minister of Domestic Trade
and Consumer Affairs*

