



INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)
TRADEMARKS ACT 2019
PRACTICE DIRECTION NO. 1/2020

THIS PRACTICE DIRECTION is issued in the exercise of the power conferred upon the Registrar of Trademarks by sections 160 and 183 of the Trademarks Act 2019 [Act 815] and in view of the Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020 and Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) Regulations 2020 which came into force on 18 March 2020 to 31 March 2020 as well as the extension of their operation.

PART I

Preliminary

Citation, effective date and scope

1. (1) This practice direction may be cited as the Practice Direction No. 1/2020.
- (2) This Practice Direction No. 1/2020 shall be effective on 24 April 2020 until further notice by the Registrar.
- (3) This Practice Direction No. 1/2020 sets out the requirements to be complied with by an applicant or registered proprietor of trademark who is interested to file with the Registrar of Trademarks any forms under the repealed Act, or applications or requests under the Trademarks Act 2019 as stated in item (2) of the First Schedule together with the payment of the prescribed fee during the period of the Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020 and Prevention and Control of Infectious Diseases (Measures within the

Infected Local Areas) Regulations 2020 being in force from 18 March 2020 to 31 March 2020 as well as the extension of its operation.

- (4) Beginning from the effective date of the Practice Direction No. 1/2020, all payments of the prescribed fee in relation to the forms under the repealed Act, or applications or requests under the Trademarks Act 2019 as stated in item (2) of the First Schedule may be made to the Registrar of Trademarks through bank or interbank transfer via online transfer.
- (5) In order to assist with the interpretation of the requirements under this Practice Direction and its application, notes and illustrations have been inserted. Any action or conduct which departs from the notes or illustrations may be taken into account by the Registrar in determining the compliance with this Practice Direction as well as the Trademarks Act 2019, Trademarks Regulations 2019 and Guidelines of Trademarks 2019.
- (6) By complying to this Practice Direction No. 1/2020, the applicant or registered proprietor of trademark shall be deemed to have fulfilled the requirement of filing the documents with the Registrar in other manner as directed by the Registrar according to paragraph 30 of the Guidelines of Trademarks 2019.
- (7) This Practice Direction No. 1/2020 does not replace the availability of filing relevant application through electronic filing system which is made available by the Registrar of Trademarks.

Interpretation

2. (1) Unless otherwise defined, all words or terms used in this Practice Direction shall have the meaning as defined in the Trademarks Act 2019, Trademarks Regulations 2019 and Guidelines of Trademarks 2019.

- (2) In this Practice Direction, unless the context otherwise requires, “Practice Direction” means the Practice Direction No. 1/2020.

PART II

Requirements to be complied

Requirements to be complied by the applicant or the registered proprietor of trademark

3. (1) For the purpose of filing any of the forms under the repealed Act, or applications or requests under the Trademarks Act 2019 as stated in item (2) of the First Schedule, the applicant or the registered proprietor of trademark shall—
- (a) check the status of the application for the registration or registration of trademark and the required action that needs to be taken by the applicant or registered proprietor of trademark;
 - (b) use the correct form or model form in relation to the action to be taken by the applicant or registered proprietor of trademark and check the amount of the prescribed fee required;
 - (c) fill in the relevant form or model form;

Note:

For the purpose of filing an international application, the applicant is urged to consult with the officer in charge at mymadrid@myipo.gov.my for initial advice prior to filing the same.

- (d) make payment through bank or interbank transfer to—
 - (i) **Account no.:** 564016108622
 - (ii) **Name of bank:** Malayan Banking Berhad
 - (iii) **Swift code:** MBBEMYKL

- (e) fill in, during the bank or interbank transfer—
- (i) the email address of **unithasil@myipo.gov.my** in the **recipient's email column**;
 - (ii) the number of—
 - (A) application for the registration or registration of trademark;
 - (B) number of the basic mark if filing an international application; or
 - (C) applicant's reference number if filing new application,in the **recipient's reference column**; and
 - (iii) the name of the payee either the applicant, registered proprietor of trademark or appointed agent in **other payment details column**;

Note:

An example of the required information that needs to be filled in during the bank or interbank transfer can be found in the Second Schedule.

- (f) after the bank or interbank transfer succeeded, email the following documents in pdf format to the respective email address as stated in item (5) of the First Schedule, by stating in the title of the email with the number of application for the registration or registration of trademark, or number of the basic mark if filing an international application, or the applicant's reference number if filing an application for registration:
- (i) forms under the repealed Act, or application or request under the Trademarks Act 2019 as stated in item (2) and

(3) of the First Schedule in relation to the action taken by the applicant or registered proprietor; and

- (ii) receipt or proof of payment through the bank or interbank transfer.

Illustration:

Scenario (1)

An applicant wishes to file an application for registration of trademark for goods in class 3 and needs to appoint and authorize agent for which the applicant needs to pay for application to appoint an agent. In order to do so, the applicant has to file an application for registration of trademark where the relevant model form and fee codes are TMA2 and TMR7 with the fee of payment of prescribed fee of RM970 (RM950 + RM20).

In this situation, the applicant may make the payment for the whole amount of RM970 during the transfer and send via email all the required documents and details as stated in paragraph 3(1)(f) to paidTMA2@myipo.gov.my and paidTMR7@myipo.gov.my.

Scenario (2)

An applicant received a notification of provisional refusal from the Registrar and the applicant has two months from the date of the notification to respond. The applicant wishes to make amendment to the goods or services according to the requirement stated in the notification whilst at the same time to appoint and authorize an agent to act on his behalf. In order to do so, the applicant has to file an application for amendment of goods or services

or other matter and an application for appointment of agent's authority where the relevant model forms and fee codes here are TMB2 and TMR7 with the fee of payment of prescribed fee of RM120 (RM100 + RM20).

In this situation, the applicant may make the payment for the whole amount of RM120 during the transfer and send via email all the required documents and details as stated in paragraph 3(1)(f) to paidTMB2@myipo.gov.my and paidTMR7@myipo.gov.my

- (2) In filling in the form or model form under paragraph 3(1)(c), all the requirements stipulated under the repealed Act, Trademarks Act 2019, Trademarks Regulations 2019, Guidelines of Trademarks 2019 and Guidelines of Trademarks (Transitional Matters) 2019, whichever relevant, shall be applicable.
- (3) The Registrar shall process the forms under the repealed Act, or applications or requests under the Trademarks Act 2019 as stated in item (2) of the First Schedule filed by the applicant or the registered proprietor of trademark who has complied with all the requirements under paragraph 3(1) and (2) accordingly.
- (4) For the purpose of filing any application for registration of trademark, the date of filing of the application shall be the date of receipt of the email received by the Registrar under paragraph 3(1)(f) subject to the fulfilment of requirements stipulated under the Trademarks Act 2019, Trademarks Regulations 2019 and Guidelines of Trademarks 2019.
- (5) For the purpose of filing an international application, the date of filing of the international application shall be the date of receipt of the email received by the Registrar under paragraph 3(1)(f) subject to the fulfilment

of requirements stipulated under the Trademarks Act 2019, Trademarks Regulations 2019 and Guidelines of Trademarks 2019.

FIRST SCHEDULE

SECOND SCHEDULE

REGISTRAR OF TRADEMARKS

23 APRIL 2020

FIRST SCHEDULE

FORMS, APPLICATION OR REQUEST AND EMAIL ADDRESSES

(1) NO.	(2) FORM/ APPLICATION/ REQUEST	(3) FORMS/ FEE CODE	(4) FEE (RM)	(5) E-MAIL ADDRESS FOR SUBMITTING FORMS, RECEIPT AND SUPPORTING DOCUMENTS
The repealed Act:				
1.	Advertisement of a trade mark	TM31	650	paidTM31@myipo.gov.my
2.	Authorization and request to enter, alter or substitute an address for service	TM1	45	paidTM1@myipo.gov.my
3.	Correction of a clerical error in an application or for permission to otherwise amend an application for registration	TM26	140	paidTM26@myipo.gov.my
4.	Extension of time (per month)	TM27	80 140	paidTM27@myipo.gov.my

(1) NO.	(2) FORM/ APPLICATION/ REQUEST	(3) FORMS/ FEE CODE	(4) FEE (RM)	(5) E-MAIL ADDRESS FOR SUBMITTING FORMS, RECEIPT AND SUPPORTING DOCUMENTS
Trademarks Act 2019:				
5.	Application for registration of trademark	TMA2	950/1100 (for each application)	paidTMA2@myipo.gov.my
6.	Application for – (a) restriction of goods or services or other matters (b) amendment of goods or services or other matters (c) correction of goods or services or other matters	TMB2	100 (for each application)	paidTMB2@myipo.gov.my
7.	Application for – (a) amendment of name or address of applicant	TMB4	20 (for each application)	paidTMB4@myipo.gov.my

(1) NO.	(2) FORM/ APPLICATION/ REQUEST	(3) FORMS/ FEE CODE	(4) FEE (RM)	(5) E-MAIL ADDRESS FOR SUBMITTING FORMS, RECEIPT AND SUPPORTING DOCUMENTS
	(b) correction of name or address of registered proprietor			
8.	Renewal of registration	TME1	1000 (for each class)	paidTME1@myipo.gov.my
	Request for late renewal	TME2	1200 (for each class)	paidTME2@myipo.gov.my
	Request for restoration of removed registration	TME3	1500 (for each class)	paidTME3@myipo.gov.my
9.	Application for Registrar's verification	TMG3	500 (for each class)	paidTMG3@myipo.gov.my
10.	Application for appointment of agent's authority	TMR7	20 (for each application)	paidTMR7@myipo.gov.my

(1) NO.	(2) FORM/ APPLICATION/ REQUEST	(3) FORMS/ FEE CODE		(4) FEE (RM)		(5) E-MAIL ADDRESS FOR SUBMITTING FORMS, RECEIPT AND SUPPORTING DOCUMENTS
11.	Handling fee for filing of an international application	TMMP1		200 (for each application)		paidTMMP1@myipo.gov.my
12.	General form for transitional matters: (a) Insufficient of –			Elec- tronic filing before 27 De- cem- ber 2019 (for each class)	Ma- nual filing before 27 De- cem- ber 2019 (for each class)	
	(i) the renewal fee	TM Q3A	TM Q3B	450	400	paidTMQ3@myipo.gov.my
	(ii) the renewal fee and surcharge	TM Q4A	TM Q4B	650	600	paidTMQ4@myipo.gov.my

(1) NO.	(2) FORM/ APPLICATION/ REQUEST	(3) FORMS/ FEE CODE		(4) FEE (RM)		(5) E-MAIL ADDRESS FOR SUBMITTING FORMS, RECEIPT AND SUPPORTING DOCUMENTS
	(iii) the renewal fee and restoration	TM Q5A	TM Q5B	950	900	paidTMQ5@myipo.gov.my

SECOND SCHEDULE

Example of information needed during bank or interbank transfer

Amount : → Total Fee

From Account :

Effective date : ▾

Recipient email : → Email

Recipient reference : → No. of application or registration of trademark, or no. of basic mark, or applicant's ref. no for new application

Other payment details : → Name of the applicant, registered proprietor or agent of the trademark

To 3rd Party Account Number : → MyIPO's Account No.