



PERBADANAN HARTA INTELEK MALAYSIA
Intellectual Property Corporation of Malaysia

**PATENT EXPEDITED EXAMINATION
PROCEDURE**

**PATENT REGISTRATION OFFICE
2020**

EXPEDITED EXAMINATION OF A PATENT APPLICATION

1. Request for an expedited examination

An applicant who requests or has requested for substantive examination of his application, may request for approval of expedited examination once his application has been made available for public inspection.

2. How to apply?

An applicant must submit Form 5H (request for approval of expedited examination with the prescribed fee and a statutory of declaration stating the reasons for requesting the expedited examination. Application can be made through IP Online or manually. If **filing manually**, please place the **green paper as a cover letter** to avoid the application being overlooked and facilitate the processing of the application as well.

3. What is the acceptable condition that the Registrar may approve the request for expedited examination?

- It is for national or public interest
- There are infringement proceedings taking place
- The applicant has already or plan to commercialize the invention
- The invention relates to green technologies
- To obtain funds or monetary benefits from the government or recognized institutions
- Any other reasonable grounds

The applicant will be notified upon approval of the request for expedited examination. The applicant is required to file Form 5I (Request for expedited examination) together with the prescribed fee within 5 working days from the date of Registrar's notification.

4. How much does it cost?

- Form 5H is RM200.00 (by e-filing) or RM250.00 (by manual filing). Request for substantive examination must be filed first with a prescribed fee of RM950.00 (by e-filing) or RM1,100.00 (by manual filing).
- Form 5I is RM2,000.00 (by e-filing) or RM2200.00 (by manual filing).

Fee schedule for expedited examination:

Form	E-Filing (RM)	Manual Filing (RM)
Form 1/14	260.000/130.00	290.00/140.00
Form 5	950.00	1,100.00
Form 5H	200.00	250.00
Form 5I	2,000.00	2,200.00
Total for Patent	3,410.00	3,840.00
UI	3,280.00	3,690.00

5. How long does it take to process the application?

- Upon receipt of Form 5I and payment of fee, the application will be examined within four (4) weeks.

- If the Examiner reports that any of the substantive requirements are not complied with, the Registrar shall give the applicant one opportunity within three (3) weeks from the date of mailing the adverse report, to make observations and to amend the application. No extension of time will be granted.

- If the applicant responds to the adverse report within the three weeks period, the Registrar shall conduct a re-examination within three (3) weeks and the Registrar shall give a final decision of the expedited substantive examination.

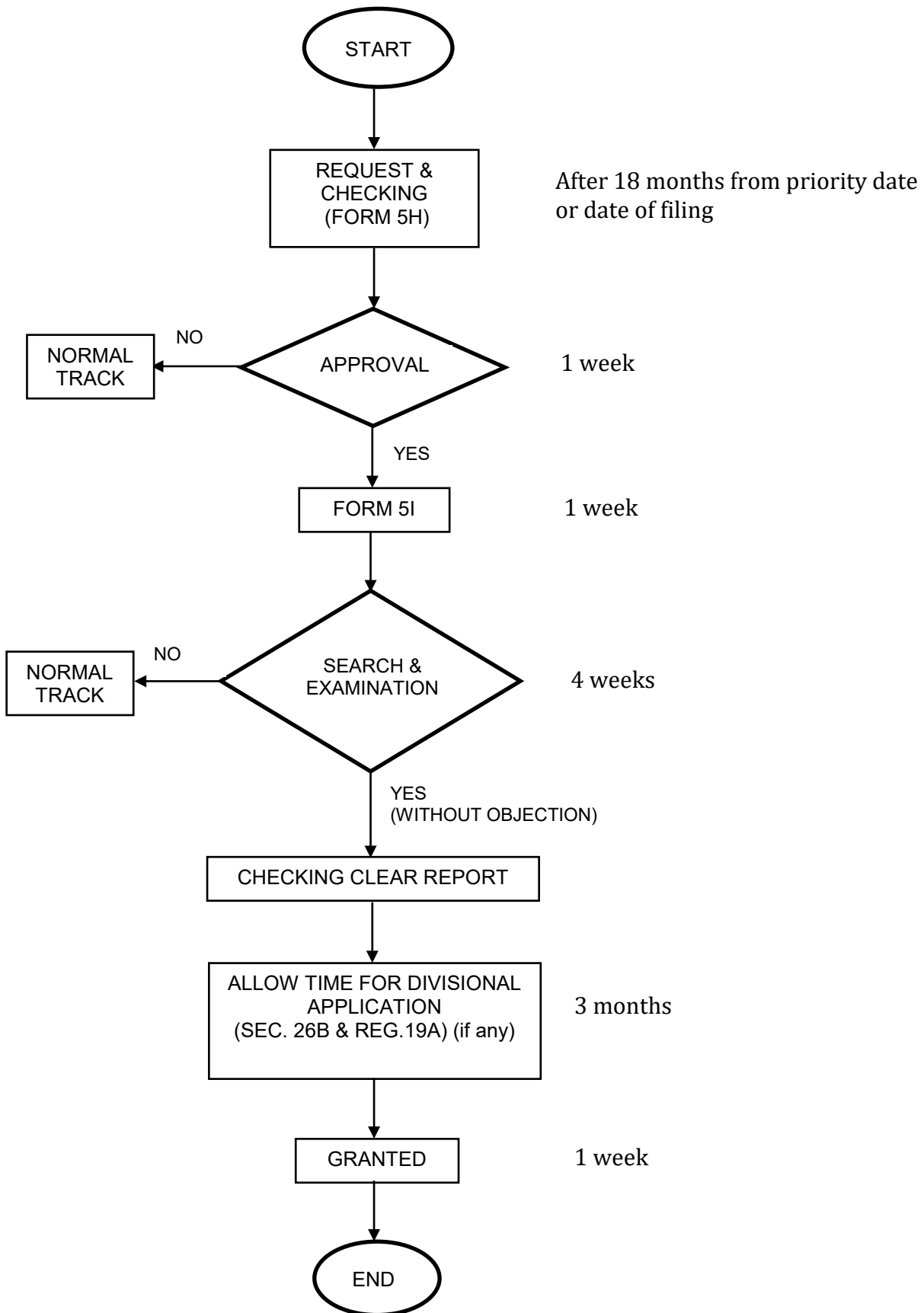
- If no response is filed within the three weeks period or if the applicant fails to satisfy the Registrar that those requirements are complied with, the application for expedited examination is deemed withdrawn and the patent application will be treated as normal examination process.

- The processing time for expedited examination is two (2) months (for first office action) from the date of receipt of request for expedited examination provided that the application is statutory compliance (clear cut case).

6. When will the Certificate of Patent be issued?

Where the Registrar is satisfied that the application complies with the Act, the Registrar shall issue a clear report and grant the patent within five (5) working days from the notification of clear report by the Registrar. The expedited examination procedure flowchart as shown in Figure 1.

FLOW CHART REQUEST FOR EXPEDITED EXAMINATION



To issue Certificate of Grant of Patent 4 months 3 weeks from the date of filing of request for Expedited Examination (Form 5I) and only applies to complete application without any objection.