



P.U. (A) 225/2013

GEOGRAPHICAL INDICATIONS (AMENDMENT) REGULATIONS 2013

Preamble

IN exercise of the powers conferred by section 32 of the Geographical Indications Act 2000 [Act 602], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Geographical Indications (Amendment) Regulations 2013**.
- (2) These Regulations come into operation on 15 July 2013.

Amendment of Regulation 2

2. The Geographical Indications Regulations 2001 [P.U. (A) 247/2001], which are referred to as the "principal Regulations" in these Regulations, are amended in regulation 2 by inserting before the definition of "Office" the following definition:

"registrable offence" has the same meaning assigned to it in the Registration of Criminals and Undesirable Persons Act 1969 [Act 7];".

Amendment of Regulation 14

3. The principal regulations are amended in regulation 14 by inserting after subregulation (3) the following subregulation:

"(4) The Registrar may decline to recognize any person as an agent who is not currently in the Register of Geographical Indications Agents maintained under regulation 14A."

New Regulations 14a, 14b, 14c, 14d

4. The principal Regulations are amended by inserting after regulation 14 the following regulations:

"14A. Registration of agents

(1) An application to be registered as a geographical indication agent shall be made to the Registrar in Form GI 15 accompanied by payment of the prescribed fee.

(2) For the purpose of registration as a geographical indication agent under this regulation, 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 in the Register of Patents Agents maintained pursuant to the regulations made under the Patents Act 1983 [*Act 291*];

(b) is in the Register of Trade Marks Agents maintained pursuant to the regulations made under the Trade Marks Act 1976 [*Act 175*];

(c) is an advocate and solicitor practising in Malaysia;

(d) holds a recognized degree in any field of studies and has acquired the necessary knowledge or experience in the field of industrial property; or

(e) has at least three years of experience in the field of industrial property by virtue of him being an ex-officer of the Office.

(3) The Registrar shall, upon being satisfied that the applicant fulfills the conditions under subregulation (2), register the applicant for a term expiring every year on the 31 December of that year.

(4) The Registrar shall not register any person who has been convicted of any registrable offence or any criminal offence involving fraud or dishonesty.

14B. Removal of agents

An agent shall be removed from the Register of Geographical Indications Agent 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;

(c) is an undischarged bankrupt; or

(d) has been struck off from, and not restored to, or is suspended for the time being from the Register of Patents Agents, the Register of Trade Marks Agents or the Roll of Advocates and Solicitors.

14C. Renewal of agents

(1) An application for the renewal of registration as a geographical indication agent shall be made to the Registrar in Form GI 16 accompanied by payment of the prescribed fee by 31 January of every year.

(2) The Registrar shall, upon being satisfied that the conditions specified in subregulations 14A(2) and (4) continue to be satisfied, renew the registration of the geographical indication agent for a term expiring every year on 31 December of that year.

14D. Register of Geographical Indications Agents

The Registrar shall maintain a Register of Geographical Indications Agents."

Amendment of Regulation 29

5. Regulation 29 of the principal Regulations are amended by substituting for subregulation (1) the following subregulation:

"(1) As soon as may be after the expiration of two months from the date of the publication of the application under subregulation 16(2) and upon payment of the registration fee under regulation 28, the Registrar shall register the geographical indication and enter the geographical indication in the Register in accordance with section 19 of the Act and these Regulations."

New Regulations 29A, 29B, 29C, 29D, 29E, 29F, 29G

6. The principal Regulations are amended by inserting after regulation 29 the following regulations:

"29A. Renewal of registration of geographical indication

(1) An application for the renewal of the registration of a geographical indication shall be made by the registered proprietor or his agent in Form GI 17 accompanied by payment of the prescribed fee within a period of not less than three months before the expiration of the last registration of the geographical indication.

(2) If the person who files Form GI 17 is other than the registered proprietor or his authorized agent, the person shall enter in the form his name and address and shall attach a letter of authority from the registered proprietor authorizing him to renew the registration of the geographical indication.

29B. Reminder of renewal of registration of geographical indication

(1) If on a date of not less than one month and not more than two months before the expiration of the last registration of a geographical indication, Form GI 17 accompanied by payment of the prescribed fee has not been received, the Registrar shall notify the registered proprietor in writing of the impending expiration of the last registration of a geographical indication.

(2) Any such notification may be made in accordance with subregulation 12(5).

29C. Late renewals of registration of geographical indication

If within six months from the expiration of the last registration of a geographical indication the renewal fee has not been paid and if Form GI 18 is filed accompanied by payment of the late renewal fee, the Registrar shall renew the registration without removing the geographical indication from the Register.

29D. Removal of geographical indication

The Registrar shall, on the expiration of the last registration of a geographical indication, remove the geographical indication from the Register if the late renewal fee has not been paid by the end of the period of six months referred to in regulation 29C.

29E. Restoration of geographical indication

The Registrar may, upon such conditions as he may think fit, restore the geographical indication that has been removed from the Register and renew its registration if Form GI 19 is filed together with Form GI 18 accompanied by payment of the late renewal fee within twelve months from the expiry of the last registration of a geographical indication.

29F. Record of removal of geographical indication

Where a geographical indication has been removed from the Register for non-payment of the renewal fee or late renewal fee, the Registrar shall enter in the

Register a record of such removal and the cause of the removal and shall advertise the fact of the removal in the *Gazette*.

29G. Notice and advertisement of restoration of geographical indication

The Registrar shall, upon the restoration of a geographical indication, notify the registered proprietor of such restoration and advertise such restoration in the *Gazette*."

Amendment of First Schedule

7. The First Schedule of the principal Regulations is amended in Part I by inserting after item 14 the following items:

"

<i>Form</i>	<i>Matters or Proceedings</i>	<i>Fee</i>
<i>GI</i>		<i>RM</i>
15.	Application for registration of a geographical indication agent	500.00
16.	Application for renewal of registration of a geographical indication agent	150.00
17.	Application for renewal of registration of a geographical indication	420.00
18.	Application for late renewal of registration of a geographical indication	630.00

"

Amendment of Second Schedule

8. The Second Schedule to the principal Regulations is amended –

a) by inserting after item 14 the following items:

- "15. Application for registration of a geographical indication agent
- 16. Application for renewal of registration of a geographical indication agent
- 17. Application for renewal of registration of a geographical indication
- 18. Application for late renewal of registration of a geographical indication

19. Application for restoration of registration of a geographical indication";

(b) by substituting for Form GI 1 the following Form:

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA

GI 1

GEOGRAPHICAL INDICATIONS REGISTRY

GEOGRAPHICAL INDICATION ACT 2000

GEOGRAPHICAL INDICATIONS REGULATIONS 2001

<p>APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION (Subregulation 6(1))</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p>	<p>For Official Use:</p> <p>Date of Receipt by Central Geographical Indications Office:</p> <p>APPLICATION NO.:</p> <p>(Office's Stamp)</p> <p>Fees received on:</p> <p>Amount :</p> <hr/> <p>Applicant's or Agent's File Reference</p>
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THE APPLICANT REQUEST FOR THE REGISTRATION OF A GEOGRAPHICAL INDICATION IN RESPECT OF THE FOLLOWING PARTICULARS:

I. Full name and address of applicant :
.....
.....

(If the applicant resides abroad, an address for service in Malaysia must be provided)

Nationality :

Country of Residence or principal place of business:

Capacity in which applicant is applying for registration:

Tel No: Telegraphic Address: Telex No: Fax No:

II. Full name and address of agent (if any) :
.....
.....

(If this is the address for service and is not already on record, Form GI 1 must be filed with this Form)

Agent's Registration (if known) : Agent's own reference :

Tel No: Telegraphic Address: Telex No: Fax No:

III. GEOGRAPHICAL INDICATION :

The geographical indication for which registration is sought is the following :

IV. GEOGRAPHICAL AREA

The following is the demarcation of the territory of the country, or region, or locality in that territory , to which the geographical indication applies, and from which the goods for which the geographical indication is used originate:

Additional information, possibly in graphic forms, maps, etc:

Accompanies this Form

V. GOODS:

The goods for which the geographical indication is used are the following:

VI. DESCRIPTION OF PRODUCT

Additional information accompanies this Form

a. Colour:

b. Shape:

c. Texture:

d. Size:

e. Weight:

f. Taste:

VII. QUALITY, REPUTATION, OR OTHER CHARACTERISTIC

The quality, reputation or other characteristics of the goods for which the geographical indication is used, and any conditions under which the indication may be used, are the following:

Additional information accompanies this Form

VIII. PROOF OF ORIGIN

Additional information accompanies this Form

IX. CAUSAL LINK BETWEEN THE GEOGRAPHICAL AREA AND A SPECIFIC QUALITY, THE REPUTATION OR OTHER CHARACTERISTICS OF THE PRODUCT (E.G. SOIL CONDITION, CLIMATE CHARACTERISTICS, HUMAN FACTOR, PRODUCT REPUTATION)

Additional information accompanies this Form

X. SPECIFIC STEPS IN PRODUCTION THAT MUST TAKE PLACE IN THE IDENTIFIED GEOGRAPHICAL AREA (E.G: SOIL PREPARATION, SELECTION AND TREATMENT OF SEED, SEED PLANTING AND FIELD MANAGEMENT (E.G. METHODS OF FERTILIZING, HARVESTING, STORING, ETC)

Additional information accompanies this Form

XI. DESCRIPTION OF LABELLING (IF ANY)

XII. AWARD/RECOGNITION FROM AUTHORIZED BODY (IF ANY) E.G JAKIM, SIRIM

XIII. INSPECTION BODY / AUTHORITIES OR BODIES VERIFYING COMPLIANCE WITH THE PRODUCT SPECIFICATION AND QUALITY (IF ANY)

XIV. OTHERS (if any)

XV. FEES

accompany this Form

XVI. DECLARATION:

Signature:.....

Name of signatory (in block letters) :.....

Date :.....

(If the applicant is a partnership, the full names of all partners must be stated)

- Note :
1. A copy of the Statutory Declaration by the applicant must be attached.
 2. An agent signing this Form on behalf of the applicant must satisfy himself as to the truth of the declaration.

(c) by inserting after Form GI 14 the following Forms:

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

GI 15

GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

APPLICATION FOR REGISTRATION OF GEOGRAPHICAL INDICATIONS AGENT [Subregulations 14A(2)]	For Official Use: Date of receipt by Central Geographical Indications Office: Fees received on: Amount:
TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia	

	Applicant's or agent's file reference
<p>I. APPLICANT:</p> <p>Name:</p> <p>Address:</p> <p>Nationality:</p> <p>Permanent residence or principal place of business:</p> <p>Telephone No:</p> <p>Fax No:</p>	
<p>II. QUALIFICATIONS:</p> <p>(Please attach copies of qualifications certified by a Commissioner of Oath)</p>	
<p>III. EXPERIENCE:</p> <p>(Please submit in the form of statutory declaration)</p>	
<p>IV. DECLARATION:</p> <p>I hereby declare that all the information given above is true and correct.</p> <p>Signature:</p> <p>Date:</p>	

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

GI 16

GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

<p>APPLICATION FOR RENEWAL OF REGISTRATION OF GEOGRAPHICAL INDICATIONS AGENT [Subregulations 14A(7)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p>	<p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Fees received on:</p> <p>Amount:</p> <p>Applicant's or agent's file reference</p>
<p>I. APPLICANT:</p> <p>Name:</p> <p>Address:</p> <p>Nationality:</p> <p>Permanent residence or principal place of business:</p> <p>Telephone No:</p> <p>Fax No:</p>	
<p>II. QUALIFICATIONS:</p> <p>(Please attach copies of qualifications certified by a Commissioner of Oath)</p>	
<p>III. ADDITIONAL INFORMATION accompanies this Form:</p>	

Yes

No

IV. DECLARATION:

I hereby declare that all the information given above is true and correct.

Signature:

Date:

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

GI 17

GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

<p>APPLICATION FOR RENEWAL OF REGISTRATION OF A GEOGRAPHICAL INDICATION</p> <p>[Subregulations 29A(1)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p>	<p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Fees received on:</p> <p>Amount:</p>
<p>Applicant's or agent's file reference</p>	
<p>Geographical Indication No:</p>	
<p>Class:</p>	
<p>I/We/Agent</p> <p>Of –</p> <p>Hereby apply to renew the above registration. Renewal Fee is enclosed herewith.</p> <p>(Cheque/ Cash)</p> <p>Signature : Proprietor</p> <p style="padding-left: 100px;">..... Agent</p> <p>Date :</p> <p>Note:</p> <ul style="list-style-type: none"> - If the agent is newly appointed, please file Form GI 2 - A letter of authority must be attached if the applicant is other than the registered proprietor or the agent. - A representation of the mark must accompany the application. 	

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

GI 18

GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

<p>APPLICATION FOR LATE RENEWAL OF REGISTRATION OF A GEOGRAPHICAL INDICATION</p> <p>[Subregulations 29B]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p>	<p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Fees received on:</p> <p>Amount:</p> <hr/> <p>Applicant's or agent's file reference</p>
<p>Geographical Indication No:</p>	
<p>Class:</p>	
<p>I/We/Agent Of –</p> <p>Hereby apply to renew the above registration. Late renewal fee is enclosed herewith. (Cheque/ Cash)</p> <p>Signature : Proprietor</p> <p style="margin-left: 100px;">..... Agent</p> <p>Date :</p> <p>Note:</p> <ul style="list-style-type: none"> - If the agent is newly appointed, please file Form GI 2 	

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

GI 19

GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

<p>APPLICATION FOR RESTORATION OF REGISTRATION [Subregulations 29C(2)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p>	<p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Fees received on:</p> <p>Amount:</p> <p>Applicant's or agent's file reference</p>
<p>Geographical Indication No:</p>	
<p>Class:</p>	
<p>I/We/Agent Of – Hereby apply to restore the above registration. Form GI 18 and the late renewal fee are also enclosed herewith. (Cheque/ Cash)</p> <p>Signature : Proprietor</p> <p style="padding-left: 100px;">..... Agent</p> <p>Date :</p> <p>Note:</p> <p style="padding-left: 20px;">- If the agent is newly appointed, please file Form GI 2</p>	

Made 13 August 2001.
[KPDN(PUU)26/5/22; PN(PU2)618]

TAN SRI DATO' HAJI MUHYIDDIN BIN HAJI MOHD. YASSIN
Minister of Domestic Trade and Consumer Affairs