



**INTELLECTUAL PROPERTY CORPORATION  
OF MALAYSIA**

**DIRECTIVE OF PATENTS ACT 1983  
AND PATENTS REGULATIONS  
(NATIONAL DEPOSITARY  
AUTHORITY) 2022**

Issued and published on: 30 June 2022  
Ref No.: PT(NDA)01/2022

**DIRECTIVE OF PATENTS ACT 1983 AND PATENTS REGULATIONS  
(NATIONAL DEPOSITARY AUTHORITY) 2022**

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**ARRANGEMENT OF PARAGRAPHS**

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Paragraph

1. Citation, effective date and scope
2. Interpretation
3. Forms and fees
4. Excluded days
5. Interrupted days
6. Delays in communication services
7. Computation of time

FIRST SCHEDULE

SECOND SCHEDULE

THIS DIRECTIVE is issued in the exercise of the power conferred upon the Registrar by section 87A of the Patents Act 1983 [Act 291].

### **Citation, effective date and scope**

1. (1) This directive may be cited as the Directive of Patents Act 1983 and Patents Regulations (National Depository Authority) 2022 (“this Directive”).

(2) This Directive shall be effective on 30 June 2022.

(3) This Directive sets out the Registrar’s direction for matters arising under the Patents Act 1983 (“the Act”) and the Patents Regulations (National Depository Authority) 2022 (“the Regulations”).

(4) Any person who files any request or application as specified in the Act and the Regulations shall comply with this Directive.

(5) The provisions of the Act, the Regulations and this Directive form the regulatory framework for the law of patents in Malaysia which shall be read together simultaneously.

### **Interpretation**

2. Unless otherwise defined, all words used in this Directive shall have the same meaning as defined in the Act and the Regulations.

### **Forms and fees**

3. (1) The forms to be used and filed with the Patent Registration Office for any matters stipulated in the Regulations are those set out in the First Schedule.

(2) The corresponding form of the prescribed fee specified under Schedule I of the Regulations are those set out in the Second Schedule.

### **Excluded days**

4. (1) For the purposes of filing and service of documents and things under regulation 52 of the Regulations, the following days shall be regarded as an excluded day for all purposes under the Act, any regulations made under the Act and this Directive—

(a) all days which are proclaimed as weekend holiday for Patent Registration Office and branch offices of the Patent Registration Office;

(b) any day specified as or proclaimed to be a public holiday for Patent Registration Office and branch offices of the Patent Registration Office; and

(c) any day proclaimed to be an excluded day as published in the Official Journal.

(2) For the purposes of electronic filing of documents and things under regulation 52A of the Regulations, the following days shall be regarded as an excluded day for all purposes under the Act, any regulations made under the Act and this Directive—

(a) all days which are proclaimed as weekend holiday for Patent Registration Office;

(b) any day specified as or proclaimed to be a public holiday for Patent Registration Office; and

(c) any day proclaimed to be an excluded day as published in the Official Journal.

(3) Whenever the last day fixed by the Act, any regulations made under the Act and this Directive for doing any act or thing at the Patent Registration 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.

### **Interrupted days**

5. (1) The Registrar may notify any day as an interrupted day where—

(a) there is an event or circumstance causing an interruption in the normal operation of the Patent Registration Office; or

(b) there is a general interruption or subsequent dislocation in the postal services of Malaysia.

(2) Any notification of the Registrar made under subparagraph (1) shall be displayed at the Patent Registration Office.

(3) The Registrar may, where the time for doing anything under the Regulations or this Directive expires on an interrupted day, extend that time to the next following day not being an interrupted day or an excluded day.

### **Delays in communication services**

6. (1) The Registrar may extend any time limit in the Regulations and this Directive where the Registrar is satisfied that the failure to do something under the Regulations and this Directive was wholly or mainly attributed to a delay in, or failure of, a communication service.

(2) Any extension under subparagraph (1) shall be—

(a) made after giving the parties such notice; and

(b) subject to such conditions, as the Registrar may direct.

(3) In this Directive, “communication service” means a service of documents under regulations 52 and 52A of the Regulations.

## **Computation of time**

7. For the purposes of the Regulations and this Directive, a period expressed in months and date from when an event ends—

(a) on the day, in the relevant subsequent month, which has the same number as the day of the event; or

(b) if the relevant subsequent months has no day with the same number, it shall be on the first day of the following month.

**FIRST SCHEDULE**  
**(Subparagraph 3(1))**  
**FORMS**

<p><b>National Depository Authority Form No. 1</b>  <b>PATENTS ACT 1983</b></p> <p>APPLICATION TO ACQUIRE STATUS OF          NATIONAL DEPOSITARY AUTHORITY          [Sections 26C(2) and 87(2)(fa)]          [Regulation 6 of Patents (National Depository          Authority) Regulations 2022]</p> <p>To: The Registrar of Patents          Patent Registration Office          Malaysia</p>	<p><b>For Official Use</b></p> <p>Application received on: .....</p> <p>Fee received on: .....</p> <p>Amount: .....</p> <p>*Cheque/Postal Order/Bank Draft/Local Order/Credit Card/          Debit Card No.: .....</p>																		
<p>Please submit this Form together with the prescribed fee.</p>	<p>Applicant's or Agent's file reference:          .....</p>																		
<p>I. APPLICANT (the data concerning applicant must appear in this box or, if the space insufficient, in the space below):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Name</td> <td style="width: 5%;">:</td> <td style="width: 65%;"></td> </tr> <tr> <td>Legal status of the establishment</td> <td>:</td> <td></td> </tr> <tr> <td>Address</td> <td>:</td> <td></td> </tr> <tr> <td>Telephone Number</td> <td>:</td> <td></td> </tr> <tr> <td>Email Address</td> <td>:</td> <td></td> </tr> <tr> <td>Website</td> <td>:</td> <td></td> </tr> </table>		Name	:		Legal status of the establishment	:		Address	:		Telephone Number	:		Email Address	:		Website	:	
Name	:																		
Legal status of the establishment	:																		
Address	:																		
Telephone Number	:																		
Email Address	:																		
Website	:																		
<p>II. APPLICATION TO ACQUIRE STATUS OF A NATIONAL DEPOSITARY AUTHORITY:</p> <p>This Form, as filed, is accompanied by the items checked below:</p> <p>(a) declaration that the applicant has fulfilled qualification under regulation 5 <span style="float: right;"><input type="checkbox"/></span></p> <p>(b) types of micro-organism accepted for storage <span style="float: right;"><input type="checkbox"/></span></p> <p>(c) list of fees to be charged <span style="float: right;"><input type="checkbox"/></span></p> <p>(d) address of the back-up centre for storage of micro-organism <span style="float: right;"><input type="checkbox"/></span></p> <p>(e) cash, cheque, money order, bank draft, local order or postal order for the payment of application fee <span style="float: right;"><input type="checkbox"/></span></p>																			

III. DECLARATION AND SIGNATURE:

- By Person Filing the Form**  
I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.
- By Agent** (An agent signing this Form on behalf of the applicant shall satisfy himself as to the truth of the declaration)

I, the undersigned, do hereby declare that:

- i. I have been duly appointed and authorized to act as an agent on behalf of the person(s) filing this form.
- ii. the information furnished above on behalf of the person(s) filing this form is true to the best of the applicant(s)' knowledge.

Signature:	
Name of signatory:	
Official capacity of signatory:	
<b>Notes for Official capacity of signatory: Applicant(s) or common representative as specified in regulation 11/Authorized person of Applicant(s) as specified in regulation 50/Agent</b>	
If Agent, indicate Agent's RegistrationNo.:	
Date:	

**Attention:**  
It is an offence under section 63 of the Patent Act 1983 to make or cause to be made a false entry in any Register and that person may be liable to a fine not exceeding RM15,000.00 (Fifteen Thousand Ringgit) or to imprisonment for a term not exceeding two years or to both.

\*Delete whichever does not apply

<p><b>National Depository Authority Form No. 2</b> PATENTS ACT 1983</p> <p>APPLICATION TO AMEND INFORMATION OF APPLICANT OR NATIONAL DEPOSITARY AUTHORITY [Sections 26C(2) and 87(2)(fa)] [Regulations 6(5) and 7 of Patents (National Depository Authority) Regulations 2022]</p> <p>To: The Registrar of Patents Patent Registration Office Malaysia</p>	<p><b>For Official Use</b></p> <p>Request received on: .....</p> <p>Fee received on: .....</p> <p>Amount: .....</p> <p>*Cheque/Postal Order/Bank Draft/Local Order/Credit Card/Debit Card No.: .....</p>						
<p>Please submit this Form together with the prescribed fee.</p>	<p>Applicant's or Agent's file reference: .....</p>						
<p>I. APPLICANT/NATIONAL DEPOSITARY AUTHORITY (the data concerning applicant/ National Depository Authority must appear in this box or, if the space insufficient, in the space below):</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 20%; padding: 5px;">Name</td> <td style="width: 5%; padding: 5px;">:</td> <td style="width: 75%;"></td> </tr> <tr> <td style="padding: 5px;">Address</td> <td style="padding: 5px;">:</td> <td></td> </tr> </table>		Name	:		Address	:	
Name	:						
Address	:						
<p>II. APPLICATION:</p> <p style="margin-left: 40px;">The applicant/ National Depository Authority applies to the Registrar for the amendment of the following:</p> <p style="margin-left: 40px;">.....</p> <p style="margin-left: 40px;">.....</p>							
<p>III. ADDITIONAL INFORMATION accompanies this Form</p> <p style="margin-left: 80px;"><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p>							
<p>IV. DECLARATION AND SIGNATURE:</p> <p><input type="checkbox"/> <b><u>By Person Filing the Form</u></b> I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.</p> <p><input type="checkbox"/> <b><u>By Agent</u></b> (An agent signing this Form on behalf of the applicant shall satisfy himself as to the truth of the declaration)</p> <p style="margin-left: 40px;">I, the undersigned, do hereby declare that:</p> <p style="margin-left: 80px;">i. I have been duly appointed and authorized to act as an agent on behalf of the person(s) filing this form.</p>							



ii. the information furnished above on behalf of the person(s) filing this form is true to the best of the applicant(s)' knowledge.

Signature:	
Name of signatory:	
Official capacity of signatory:	
<b>Notes for Official capacity of signatory:</b> <b>Applicant(s) or common representative as specified in regulation 11/Authorized person of Applicant(s) as specified in regulation 50/Agent</b>	
If Agent, indicate Agent's Registration No.:	
Date:	

**Attention:**

**It is an offence under section 63 of the Patent Act 1983 to make or cause to be made a false entry in any Register and that person may be liable to a fine not exceeding RM15,000.00 (Fifteen Thousand Ringgit) or to imprisonment for a term not exceeding two years or to both.**

\*Delete whichever does not apply

<p><b>National Depository Authority Form No. 3</b> PATENTS ACT 1983</p> <p>APPLICATION TO CANCEL STATUS OF NATIONAL DEPOSITARY AUTHORITY [Sections 26C(2) and 87(2)(fa)] [Regulation 8 of Patents (National Depository Authority) Regulations 2022]</p> <p>To: The Registrar of Patents Patent Registration Office Malaysia</p>	<p><b>For Official Use</b></p> <p>Request received on: .....</p> <p>Fee received on: .....</p> <p>Amount: .....</p> <p>*Cheque/Postal Order/Bank Draft/Local Order/Credit Card/ Debit Card No.: .....</p>						
<p>Please submit this Form together with the prescribed fee.</p>	<p>Applicant's or Agent's file reference: .....</p>						
<p>I. NATIONAL DESPOSITARY AUTHORITY (the data concerning National Depository Authority must appear in this box or, if the space insufficient, in the space below):</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 35%; padding: 5px;">Name</td> <td style="width: 5%; text-align: center; padding: 5px;">:</td> <td style="width: 60%;"></td> </tr> <tr> <td style="padding: 5px;">Address</td> <td style="text-align: center; padding: 5px;">:</td> <td></td> </tr> </table>		Name	:		Address	:	
Name	:						
Address	:						
<p>II. APPLICATION:</p> <p>The National Depository Authority applies to the Registrar for cancellation of the status as a National Depository Authority under the Patents Act 1983 and Patents Regulations (National Depository Authority) 2022 on the reason(s) as follows:</p> <p>.....</p> <p>.....</p>							
<p>III. ADDITIONAL INFORMATION accompanies this Form</p> <p style="text-align: center;"> <input type="checkbox"/> Yes                      <input type="checkbox"/> No </p>							

IV. DECLARATION AND SIGNATURE:

- By Person Filing the Form**  
I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.
- By Agent** (An agent signing this Form on behalf of the applicant shall satisfy himself as to the truth of the declaration)

I, the undersigned, do hereby declare that:

- i. I have been duly appointed and authorized to act as an agent on behalf of the person(s) filing this form.
- ii. the information furnished above on behalf of the person(s) filing this form is true to the best of the applicant(s)' knowledge.

Signature:	
Name of signatory:	
Official capacity of signatory:	
<b>Notes for Official capacity of signatory: Applicant(s) or common representative as specified in regulation 11/Authorized person of Applicant(s) as specified in regulation 50/Agent</b>	
If Agent, indicate Agent's Registration No.:	
Date:	

**Attention:**

**It is an offence under section 63 of the Patent Act 1983 to make or cause to be made a false entry in any Register and that person may be liable to a fine not exceeding RM15,000.00 (Fifteen Thousand Ringgit) or to imprisonment for a term not exceeding two years or to both.**

\*Delete whichever does not apply

<p><b>National Depository Authority Form No. 4</b> PATENTS ACT 1983</p> <p>COMPLAINT AGAINST NATIONAL DEPOSITARY AUTHORITY [Sections 26C(2) and 87(2)(fa)] [Regulation 9 of Patents (National Depository Authority) Regulations 2022]</p> <p>To: The Registrar of Patents Patent Registration Office Malaysia</p>	<p><b>For Official Use</b></p> <p>Request received on: .....</p> <p>Fee received on: .....</p> <p>Amount: .....</p> <p>*Cheque/Postal Order/Bank Draft/Local Order/Credit Card/ Debit Card No.: .....</p>																								
<p>Please submit this Form together with the prescribed fee.</p>	<p>Applicant's or Agent's file reference: .....</p>																								
<p><b>I. IN THE MATTER OF:</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 40%; padding: 5px;">National Depository Authority Reference Number</td> <td style="width: 5%; text-align: center; padding: 5px;">:</td> <td style="width: 55%;"></td> </tr> </table>		National Depository Authority Reference Number	:																						
National Depository Authority Reference Number	:																								
<p><b>II. PERSON LODGE COMPLAINT</b> (the data concerning the person must appear in this box or, if the space insufficient, in the space below):</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr><td style="width: 35%; padding: 5px;">Name</td><td style="width: 5%; text-align: center; padding: 5px;">:</td><td style="width: 60%;"></td></tr> <tr><td style="padding: 5px;">I.C/Passport No.</td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> <tr><td style="padding: 5px;">Address</td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> <tr><td style="padding: 5px;">Address for service in Malaysia</td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> <tr><td style="padding: 5px;">Nationality</td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> <tr><td style="padding: 5px;">*Permanent residence or principal place of business</td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> <tr><td style="padding: 5px;">Telephone Number <i>(required)</i></td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> <tr><td style="padding: 5px;">Email address <i>(required)</i></td><td style="text-align: center; padding: 5px;">:</td><td></td></tr> </table>		Name	:		I.C/Passport No.	:		Address	:		Address for service in Malaysia	:		Nationality	:		*Permanent residence or principal place of business	:		Telephone Number <i>(required)</i>	:		Email address <i>(required)</i>	:	
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Nationality	:																								
*Permanent residence or principal place of business	:																								
Telephone Number <i>(required)</i>	:																								
Email address <i>(required)</i>	:																								
<p><b>III. COMPLAINT:</b></p> <p>Complaint against the above-mentioned National Depository Authority as follows:</p> <p>.....</p> <p>.....</p>																									
<p><b>IV. ADDITIONAL INFORMATION</b> accompanies this Form:</p> <p style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> Yes                      <input type="checkbox"/> No </p>																									

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\*Delete whichever does not apply

SECOND SCHEDULE  
(Subparagraph 3(2))

CORRESPONDING FORMS

PART I

<b>(1) Item No.</b>	<b>(2) Matter/Proceeding</b>	<b>(3) Corresponding Form</b>	<b>(4) Fee (RM)</b>
1.	Application to acquire status of National Depositary Authority	1	200.00
2.	Application to amend information of applicant to acquire status of National Depositary Authority	2	100.00
3.	Application to amend information of National Depositary Authority	2	100.00
4.	Application to cancel status of National Depositary Authority	3	100.00
5.	Complaint against National Depositary Authority	4	200.00

**REGISTRAR OF PATENTS  
PATENT REGISTRATION OFFICE**