

P.U. (A) 37
INDUSTRIAL DESIGNS REGULATIONS 1999
(Incorporated the changes made up to 1ST JULY 2013)

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.

(3A) Where the application is—

- (a) signed by an agent in accordance with subregulation (2) and the agent files the application; or
- (b) signed by an applicant in accordance with subregulation (2) but the application is filed by an agent,

the agent shall file ID Form 1 and ID Form 10 accompanied by the prescribed fees

(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, translations and transliterations

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

(2) Where any document, as prescribed under the Act and Regulations, given or sent to or filed with the Registrar, or any part of the document, contains or consists of a word or words in characters other than Roman or in a language other than the national language or English language, it shall, unless the Registrar otherwise directs, be accompanied by—

- (a) a translation and, if the case requires, a transliteration, of each word in the English language, certified or verified to the satisfaction of the Registrar; and
- (b) a statement as to the language to which each word belongs”.

Regulation 7. Classification.

The application shall indicate a class and 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) The address indicated shall be a complete and current address so as to ensure prompt postal delivery, including the electronic mail address, website address, facsimile and telephone number, if any, or any effective mode, manner or form of communication prevailing.

(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, and any associated reproduction in any form, mode or manner, with representations appearing on one side with a left-hand margin of approximately 3 cm.

(2) Representations shall be filed in one copy.

(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, 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 and 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 and 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 three months from the date of the request by the Registrar referred to in subregulation (5), furnish a certified or verified translation to the satisfaction of the Registrar 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 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 Certificate of Registration for each of those designs.

Regulation 21. Particulars to be entered in the Register

The Registrar shall enter the particulars relating to each industrial design in the Register such as follows:

- (a) the date of the registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 17 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the owner;
- (d) the registration number;
- (e) a representation of the industrial design;
- (f) the statement of novelty relating to the industrial design;
- (g) particulars of the title or interest affecting the industrial design under section 30 of the Act, if any;
- (h) an entry made under subregulation 26(2);
- (i) the date on which the industrial design expired, lapsed, revoked, cancelled or invalidated;
- (j) the name of the agent appointed in accordance with regulation 32, his address for service, if any; and
- (k) such other particulars as the Registrar thinks fit to enter in the Register.”.

Regulation 22. Publication of contents of registration.

In addition to the matters to be published in the *Official Journal* 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;
- (i) the owner and the new owner; and
- (ii) 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, at any time 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, etc.

(1) An application to register particulars of the title or interest under subsection 30(1) of the Act shall-

(a) be made to the Registrar in ID Form 5;

(b) be accompanied by

(i) a prescribed fee; and

(ii) a certified copy of the assignment, transmission, operation of law or security transaction, as the case may be; or

(iii) such other evidence as the Registrar deems as sufficient proof of the transaction.

(2) The Registrar may require the applicant to furnish such other document, instrument or information in support of the application as the Registrar thinks fit within such time as the Registrar may specify

(3) The applicant may apply to the Registrar for an extension of time in Form ID 13 before the expiry of the time specified by the Registrar referred to in subregulation (2) or any extended period previously allowed by the Registrar.

(4) Where the transaction is effected by an instrument chargeable with duty, the granting of the application shall be subject to the Registrar being satisfied that the instrument has been duly stamped.

(5) An application to amend any particulars of the title or interest affecting the industrial design under subsection 30(1) of the Act shall be made in Form ID 9.

(6) If the Registrar is satisfied that the application is 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 originating summons.

(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 Official Journal 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 Official Journal.

(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.

(5) The Registrar may, for the purpose of subregulation (2), require the agent to produce evidence of his authority.

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;
- (c)* holds a recognized degree in any field of studies and has had at least three years experience in the field of industrial property; or
- (d)* has had at least seven (7) years of experience in the field of industrial property by virtue of being an ex-officer of the Office.

(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 Court 2012 [P. U. (A) 205/2012], 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. Filing and Service of documents and things

(1) Any document or thing required or authorized by the Act or these Regulations to be filed at the Office or with the Registrar shall be delivered by hand to the Office during its normal business hours or be sent to the Registrar by post.

(2) Sending by post shall be deemed to be effected by properly addressing, preparing and posting a letter containing the document or thing, with the prepaid postage on it, to the Registrar at the Office and the document or thing shall be deemed to have been received at the time when the document or thing is actually received by the Office.

(3) The filing of a document or thing with the Office shall be deemed to be effected at such time as it is received by the Office and is recorded as received.

Regulation 42A. Electronic filing of documents and things

(1) The Registrar may provide a service for the electronic filing of the document or thing required or authorized by the Act or these Regulations to be filed at the Office or with the Registrar.

(2) A person who intends to use the service provided under subregulation (1) shall comply with the terms and conditions as may be specified by the Registrar, either generally by notice published in the official website or, in any particular case, by notice, including through electronic means, to the person desiring to use such service.

(3) A document or thing which is electronically filed under this regulation shall be deemed to be effected at such time as that document or thing is accepted by the electronic filing system.

(4) Where any accompanying document or thing is not capable of being filed electronically, such accompanying document or thing may be delivered or sent to the Registrar in the manner specified in regulation 42, subject to such terms and conditions as the Registrar may specify.

Regulation 42B. Terms and conditions for electronic filing

(1) Without limiting the generality of subregulation 42A(2), the terms and conditions for electronic filing shall include the following:

- (a) the procedure to be complied with for the electronic filing of documents and things;
- (b) the format or media in which a document or thing is to be recorded or stored for purposes of electronic filing;
- (c) the manner of authenticating a document or thing which is required to be

- stamped, signed, sealed or certified, including the requirement for a digital signature of the person filing the document or thing; and
- (d) the actions to be taken in the event of an interruption in the process of performing an electronic filing.

(2) Notwithstanding regulation 42A, the Registrar may refuse to accept or register any document or thing which is filed electronically, if—

- (a) the information contained in such document or thing is not capable of being displayed in a legible form
- (b) the electronic record of such document or thing is not capable of being stored in the electronic filing system;
- (c) the electronic record of such document or thing appears to the Registrar to be altered, damaged, incomplete or forged; or
- (d) any of the terms or conditions on electronic filing specified by the Registrar is not complied with.

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 –

- (a) certified or duplicate copies of any entry or document in the Register;
- (b) certified or duplicate extracts from any entry or document in the Register; or
- (c) a Registrar's Certification accompanied by certified copy of 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
FEES
(Regulation 3)**

The following fees shall be paid in respect of applications, registrations and other matters under the Act. Such fees must in all cases be paid before or at the time of doing the matter in respect of which they are paid.

Part I

<i>Item No.</i>	<i>Matters or Proceedings</i>	<i>Form</i>	<i>E- Filing Fee (RM)</i>	<i>Manual Fee (RM)</i>
1	Application for the registration of an industrial design: For a single design	ID FORM 1	480.00	500.00
	for each additional design specified (Regulation 5)		480.00	500.00
	Publication for each view of the representation contained in the application (Regulation 10 and 22)		200.00	200.00
2	Application for extension of the period of registration:			
	for second period of—			
	(a) a single industrial design		780.00	800.00
	(b) each additional industrial Design		780.00	800.00
	for third period of—			
	(a) a single industrial design		780.00	800.00
	(b) each additional industrial design		780.00	800.00
	for fourth period of—			
	(a) a single industrial design		780.00	800.00
	(b) each additional industrial design		780.00	800.00
	for fifth period of—			
	(a) a single industrial design		780.00	800.00
	(b) each additional industrial design		780.00	800.00
	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) (Regulation 23)		200.00	200.00
3	Request to restore a registered industrial design(Regulation 24)	ID FORM 3	780.00	800.00

<i>Item No.</i>	<i>Matters or Proceedings</i>	<i>Form</i>	<i>E- Filing Fee (RM)</i>	<i>Manual Fee (RM)</i>
	Surcharge payable under subregulation 24(4): for each period of one month (not exceeding twelve months in total)		100.00	100.00
4	Notice of Opposition to the restoration of an Industrial Design (Regulation 25)	ID FORM 4	280.00	300.00
5	Application to record the assignment, transmission or other operation of law to:	ID FORM 5		
	(a) registered industrial design or;		280.00 (for each design)	300.00 (for each design)
	(b) an application for registration of an industrial design (Regulation 26)		280.00 (for each design)	300.00 (for each design)
6	Application for rectification of the Register or request for revocation of registration (Regulation 27)	ID FORM 6	580.00	600.00
7	Submission of a copy of an application to court (Regulation 28)	ID FORM 7	Free	Free
8	Notice of order of court for rectification of the register (Regulation 29)	ID FORM 8	180.00	200.00
9	Request for amendment of an application for registration of an industrial design or a registered industrial design (Regulation 30)	ID FORM 9	180.00	200.00
10	Appointment or change of agent and change of address for service (Regulation 32 and 40)	ID FORM 10	80.00 (For each application of industrial design)	100.00 (For each application of industrial design)
11	Application for registration as an Industrial design Agent (subregulation 33(2))	ID FORM 11	1,280.00	1,300.00
12	Application for extension of registration as an Industrial Design Agent (Subregulation 33(7))	ID FORM 12	580.00	600.00
13	Request for extension of time: for each period of one month (not exceeding three months in total) (Regulation 43)	ID FORM 13	280.00 300.00 for each month	300.00 300.00 for each month
14	Request for certified or uncertified copies of or extract from entries, documents, etc:	ID FORM 14	10.00 per page	10.00 per page
	(a) for certified copy or extract:		5.00 per page	5.00 per page
	(b) for uncertified copy or extract; or		100.00 per	100.00 per

<i>Item No.</i>	<i>Matters or Proceedings</i>	<i>Form</i>	<i>E- Filing Fee (RM)</i>	<i>Manual Fee (RM)</i>
			certificate	certificate
	(c)Registrar's Certification accompanied with certified copy or extract (Regulation 45)		20.00 per page for copy or extract	20.00 per page for copy or extract

Part II

OTHER FEES REQUIRED UNDER THE ACT

<i>Item No.</i>	<i>Matters or Proceedings</i>	<i>Fee (RM)</i>
1	Request to conduct public search	20.00 per hour
2	Computer print out (a) black and white (b) in colour	5.00 per page 20.00 per page

**SECOND SCHEDULE
FORMS
(Regulation 4)**

******Note: The forms are not reproduced here, kindly refer to the Forms menu.******

**THIRD SCHEDULE
INDUSTRIAL DESIGNS ACT 1996
INDUSTRIAL DESIGNS REGULATIONS 1999
(Regulation 20)**

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA
Industrial Designs Registration Office
CERTIFICATE OF REGISTRATION OF AN INDUSTRIAL DESIGN

Registration Number :
Registration Date :
Expiry Date :
Article or set of article :
Name and address :

In pursuance of and subject to the provisions of the Industrial Designs Act 1996 and the Industrial Designs Regulations 1999, the Industrial Design of which the representation(s) is or are attached has been registered from the date of registration in the name(s) and address(es) as above.

Date of Issuance:

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

Fourth Schedule
INDUSTRIAL DESIGNS ACT 1996
INDUSTRIAL DESIGNS REGULATIONS 1999
(Regulation 23)

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA
Industrial Designs Registration Office

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 as the following:

P.U. (A) 37.Registration Number :
Name of Owner :
Expiry Date :

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 Design Act 1996 continues in force with the period of registration extended for a further five years as above.

Date of Issuance:

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

DISCLAIMER: Although MyIPO makes every effort to provide accurate, complete and up-to-date information, MyIPO does not invite reliance upon, nor accept responsibility for, the information it provides. Confirmation from another source should be made if it is of sufficient importance for user to do so.

