



# LAWS OF MALAYSIA

REPRINT

**Act 617**

## **INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA ACT 2002**

*As at 1 October 2020*

PUBLISHED BY  
THE COMMISSIONER OF LAW REVISION, MALAYSIA  
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968  
2020

**INTELLECTUAL PROPERTY CORPORATION  
OF MALAYSIA ACT 2002**

Date of Royal Assent	...	...	...	...	14 January 2002
Date of publication in the <i>Gazette</i>	...	...	...	...	24 January 2002
Latest amendment made by Act A1560 which came into operation on	...	...	...	...	11 January 2018

*PREVIOUS REPRINTS*

<i>First Reprint</i>	...	...	...	...	...	2004
<i>Second Reprint</i>	...	...	...	...	...	2006

# LAWS OF MALAYSIA

## Act 617

### INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA ACT 2002

---

#### ARRANGEMENT OF SECTIONS

---

#### PART I

#### PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

#### PART II

#### THE CORPORATION

3. Establishment of the Corporation
4. Vesting provisions
5. Common seal
6. Membership of the Corporation
7. Terms of office
8. Resignation and revocation
9. Vacation of office
10. Remuneration and allowances
11. The Director General and Deputies Director General
12. Meetings
13. The Corporation may invite others to meetings
14. Power of Minister to give directions and require information
15. Disclosure of interest
16. Minutes

## PART III

## FUNCTIONS AND POWERS OF THE CORPORATION

## Section

17. Functions of the Corporation
18. Powers of the Corporation
19. The Corporation may establish committees
20. Delegation of the Corporation's functions or powers

## PART IV

## PROVISIONS RELATING TO EMPLOYEES

21. Employment of Government employees
22. Salaries, terms and conditions of service of Government employees to be taken into account
23. Appointment of other employees, agents and consultants
24. Regulations with respect to employment
25. Continuation and completion of disciplinary proceedings
26. Protection from personal liability
27. Public servants
28. Public Authorities Protection Act 1948

## PART V

## FINANCE

29. The Fund
30. Expenditure to be charged on the Fund
31. Expenditure and preparation of estimates
32. Conservation of the Fund
33. Statutory Bodies (Accounts and Annual Reports) Act 1980
34. Power to borrow
35. Investment
- 35A. Power to establish companies
36. Payment to the Federal Consolidated Fund

PART VI

GENERAL

Section

- 37. Institution of prosecution
- 38. Proceedings conducted by officers of the Corporation
- 39. Obligation of secrecy
- 40. Power of Minister to amend the First and Second Schedules
- 41. Regulations

FIRST SCHEDULE

SECOND SCHEDULE



# LAWS OF MALAYSIA

## Act 617

### INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA ACT 2002

An Act to establish the Intellectual Property Corporation of Malaysia and to provide for its functions and powers and for matters connected therewith.

[3 March 2003, P.U. (B) 102/2003]

**ENACTED** by the Parliament of Malaysia as follows:

#### PART I

#### PRELIMINARY

##### **Short title and commencement**

1. (1) This Act may be cited as the Intellectual Property Corporation of Malaysia Act 2002.

(2) This Act comes into operation on a date to be appointed by the Minister, by notification in the *Gazette*, and the Minister may appoint different dates for different provisions of this Act.

##### **Interpretation**

2. In this Act, unless the context otherwise requires—

“this Act” includes any subsidiary legislation made under this Act;

“prescribed”, where no manner of prescribing is provided, means prescribed from time to time by rules, regulations or orders published in the *Gazette*;

“rights” means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

“committee” means any committee established under section 19;

“Director General” means the Director General of the Corporation appointed under section 11;

“Fund” means the Fund established under section 29;

“liabilities” means liabilities, debts, charges, duties and obligations of every description whether present or future, actual or contingent, and whether payable or to be observed or performed in Malaysia or elsewhere;

“Minister” means the Minister for the time being responsible for intellectual property;

“Registrar” means the Registrar of Trade Marks, the Registrar of Patents, the Registrar of Industrial Designs and the Registrar of Geographical Indications under the relevant Intellectual Property Legislation;

“Controller” means the Controller of Copyright appointed under subsection 5(1) of the Copyright Act 1987 [*Act 332*];

“Chairman” means the Chairman appointed under section 6;

“Corporation” means the Intellectual Property Corporation of Malaysia established under section 3;

“Intellectual Property Legislation” means the legislation specified in the First Schedule;

“record” includes record stored or recorded by means of a computer;

“vesting date” means the date on which properties, rights and liabilities specified by the Minister in the order under subsection 4(1) to which the Government of Malaysia, the Registrar or Controller under the relevant Intellectual Property Legislations, was entitled or subject to, are transferred to and vested in the Corporation;

“appointed date” means the date on which this Act comes into operation;

“vested”, in relation to property, includes having rights to property which are future or contingent and rights in reversion or remainder.

## PART II

### THE CORPORATION

#### **Establishment of the Corporation**

3. (1) A body corporate by the name of “Intellectual Property Corporation of Malaysia” is established.

(2) The Corporation shall have perpetual succession and a common seal.

(3) The Corporation may sue and be sued in its name.

(4) Subject to and for the purposes of this Act, the Corporation may, upon such terms as the Corporation deems fit—

(a) enter into contracts;

(b) acquire, purchase, take, hold and enjoy movable and immovable property of every description; and

(c) convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer, or otherwise dispose of, or deal with any movable or immovable property or any interest in such property vested in the Corporation.

#### **Vesting provisions**

4. (1) Subject to this Act, the Minister may, from time to time, by order published in the *Gazette*, appoint a vesting date and on such date all properties of the Government of Malaysia and all the rights or liabilities of the Government of Malaysia, the Registrar or the Controller specified by the Minister in such order shall, by virtue of this Act, be transferred to and vested in the Corporation without any conveyance, assignment or transfer.

(2) Every property vested by virtue of subsection (1) in the Corporation shall be so vested in the Corporation for the like title, estate or interest and on the like tenure as the property was vested or held immediately before the vesting date.

(3) Every chose-in-action vested by virtue of subsection (1) in the Corporation may, on and after the vesting date, be sued on, recovered or enforced by the Corporation in its own name and it shall not be necessary for the Corporation, the Government of Malaysia, the Registrar or the Controller to give notice to the person bound by the chose-in-action of the vesting effected under subsection (1).

(4) Every right or liability vested by virtue of subsection (1) in the Corporation may, on and after the vesting date, be sued on, recovered or enforced by or against the Corporation in its own name and it shall not be necessary for the Corporation, the Government of Malaysia, the Registrar or the Controller to give notice to the person whose right or liability is affected by the vesting effected under subsection (1).

(5) Any pending legal proceedings by or against the Government of Malaysia, the Registrar or the Controller which relate to any property, right or liability transferred to and vested in the Corporation by virtue of subsection (1) may, on and after the vesting date, be continued by or against the Corporation.

(6) In the case of rights or liabilities arising under any loans which is vested in the Corporation on the vesting date, the Corporation may enter into such arrangements or agreements over such rights and liabilities with the Government of Malaysia or any other third party.

(7) On and after the vesting date, any agreement relating to any property, rights and liabilities transferred to and vested in the Corporation under subsection (1) to which the Government of Malaysia, the Registrar or the Controller was a party immediately before the vesting date, whether in writing or not, and whether or not of such a nature that rights and liabilities thereunder could be assigned by the Government of Malaysia, the Registrar or the Controller shall have effect as if the Corporation has been a party to the agreement.

### **Common seal**

5. (1) The common seal of the Corporation shall bear such device as the Corporation may approve and such seal may, from time to time, be broken, changed, altered or made anew as the Corporation thinks fit.

(2) Until a seal is provided by the Corporation, a stamp bearing the words “The Intellectual Property Corporation of Malaysia” may be used and shall be deemed to be the common seal of the Corporation.

(3) The common seal shall be kept in the custody of the Chairman or any other person authorized by the Corporation and shall be authenticated by either the Chairman or by such authorized person or by any officer authorized by the Chairman in writing.

(4) All deeds, documents and other instruments purporting to be sealed with the common seal and authenticated in accordance with subsection (3) shall, until the contrary is proved, be deemed to have been validly executed.

(5) Notwithstanding subsection (4), any document or instrument which, if executed by a person who is not a body corporate, is not required to be under seal may in like manner be executed by the Corporation; and any such document or instrument may be executed on behalf of the Corporation by any member, employee or agent of the Corporation generally or specially authorized by the Corporation in that behalf.

(6) The common seal of the Corporation shall be officially and judicially noticed.

### **Membership of the Corporation**

6. (1) The Corporation shall consist of the following members:

(a) a Chairman;

(b) four members representing the Government, one of whom shall be the Secretary General of the Ministry for the time being charged with the responsibility for intellectual property or his representative;

(c) three other members who have relevant knowledge or experience in intellectual property and intellectual property related matters; and

(d) the Director General.

(2) The Minister shall appoint the members specified in paragraphs (1)(a), (b) and (c).

### **Terms of office**

7. Subject to such conditions as may be specified in his instrument of appointment, a member of the Corporation shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding three years and may be eligible for reappointment.

### **Resignation and revocation**

8. (1) A member of the Corporation may, at any time, resign his office by giving notice in writing to the Minister.

(2) The appointment of any member of the Corporation appointed by the Minister, except the Secretary General of the Ministry for the time being charged with the responsibility for intellectual property, may, at any time, be revoked by the Minister without assigning any reason for the revocation.

### **Vacation of office**

9. The office of a member of the Corporation shall be vacated—

(a) if he dies;

(b) if he becomes a bankrupt;

(c) if he has been convicted of any offence and sentenced to imprisonment for a term not less than two months;

- (d) if he is of unsound mind or is otherwise incapable of performing his duties; or
- (e) if he absents himself from three consecutive meetings of the Corporation without the leave of the Chairman, or in the case of the Chairman, without the leave of the Minister.

### **Remuneration and allowances**

**10.** (1) The Chairman of the Corporation shall be paid such remuneration and allowance as the Minister may determine.

(2) Every member of the Corporation shall be paid allowances at such rates as the Minister may determine.

### **The Director General and Deputies Director General**

**11.** (1) The Minister shall appoint—

- (a) a suitable person who has knowledge or experience in intellectual property or intellectual property related matters to be the Director General; and
- (b) such number of persons as may be necessary to be the Deputies Director General,

on such terms and conditions as the Minister may determine, for the proper administration of this Act and the Intellectual Property Legislation, and may revoke the appointment of any person so appointed without assigning any reason for the revocation.

(2) The Director General shall be responsible for the day-to-day administration of the Corporation.

(3) The Deputies Director General shall be subject to the direction and control of the Director General and they may perform all the duties of the Director General under this Act and the Intellectual Property Legislation as may be specified by the Director General.

(4) In the event that the Director General is temporarily unable to perform his duties due to illness or any other cause, either of the Deputies Director General may attend any meeting of the Corporation or any committee in his place.

### **Meetings**

**12.** (1) The Corporation shall meet as often as may be necessary for the performance of its functions.

(2) Five members of the Corporation, one of whom is a member representing the Government, shall form the quorum of a meeting of the Corporation.

(3) If on a question to be determined by the Corporation there is an equality of votes, the Chairman shall have a casting vote.

(4) In the event of the Chairman being absent or unable to act due to illness or any other cause, any member of the Corporation other than the Director General may be elected by the members present to preside over the meeting.

(5) The Minister shall, in respect of each member of the Corporation who represents the Government, appoint an alternate member who may attend any meeting of the Corporation which the member is for any reason whatsoever unable to attend and the alternate member, when so attending, shall for all purposes be deemed to be a member of the Corporation.

(6) Subject to the provisions of this Act, the Corporation shall determine its own procedure.

### **The Corporation may invite others to meetings**

**13.** (1) The Corporation may invite any other person to attend any meeting or deliberation of the Corporation for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the meeting or deliberation.

(2) Any person invited to any meeting or deliberation of the Corporation under subsection (1) may be paid such remuneration or allowance as the Minister may determine.

**Power of Minister to give directions and require information**

**14.** (1) The Minister may, from time to time, give to the Corporation such directions of a general character consistent with the provisions of this Act relating to the performance of the Corporation's functions and the Corporation shall give effect to such directions.

(2) The Corporation shall furnish the Minister with such returns, accounts and information with respect to the performance of any of its functions under this Act or the Intellectual Property Legislation as the Minister may, from time to time, require or direct.

**Disclosure of interest**

**15.** (1) A member of the Corporation or any committee established under section 19 who has or acquires a direct or indirect interest by himself, a member of his family or his associate in relation to any matter under discussion by the Corporation or committee shall disclose to the Corporation or committee, as the case may be, the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Corporation or committee, as the case may be, in which the matter is discussed and, after the disclosure, the member—

(a) shall be disregarded for the purpose of constituting a quorum of the meeting of the Corporation or committee, as the case may be; and

(b) shall not take part in or be present during any discussion or decision of the Corporation or committee, as the case may be,

when the matter is discussed or decided upon.

(3) Any member of the Corporation or committee who fails to disclose his interest as provided under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(4) No act or proceeding of the Corporation or committee shall be invalidated on the ground that any member of the Corporation or committee has contravened the provisions of this section.

(5) For the purpose of this section—

(a) “a member of his family”, in relation to a member of the Corporation or a committee, includes—

- (i) his spouse;
- (ii) his parent (including a parent of his spouse);
- (iii) his child (including an adopted child or stepchild);
- (iv) his brother or sister (including a brother or sister of his spouse); and
- (v) a spouse of his child, brother or sister; and

(b) “associate”, in relation to a member of the Corporation or a committee, means—

- (i) any person who is a nominee or an employee of such member;
- (ii) any firm of which such member or any nominee of his is a partner;
- (iii) a partner of such member;
- (iv) a trustee of a trust under which such member or a member of his family is a beneficiary; or
- (v) any corporation, within the meaning of the \*Companies Act 2016 [Act 777], of which such member or any nominee of his or a member of his family is a director or has a controlling interest or shares to the total value of not less than thirty per cent of the total issued capital of the corporation.

---

\*NOTE—This Act has repealed the Companies Act 1965 [Act 125]—see section 620 of Act 777.

## **Minutes**

**16.** (1) The Corporation and every committee shall maintain minutes of all their meetings in a proper form.

(2) Any minutes made of meetings of the Corporation or a committee, if duly signed, shall, in any proceedings, be admissible as *prima facie* evidence of the facts stated in the minutes without further proof.

(3) Every meeting of the Corporation or a committee of which minutes have been made in accordance with subsections (1) and (2) shall be deemed to have been duly convened and held and all members at the meeting to have been duly qualified to act.

## **PART III**

### **FUNCTIONS AND POWERS OF THE CORPORATION**

#### **Functions of the Corporation**

**17.** The functions of the Corporation shall be—

- (a) to ensure that the provisions of this Act and the Intellectual Property Legislation are administered, enforced, given effect to, carried out and complied with;
- (b) to act as agent of the Government and to provide services in administering, collecting and enforcing payment of prescribed fees or any other charges under the Intellectual Property Legislation;
- (c) to regulate and supervise issues or matters relating to intellectual property in relation to the Intellectual Property Legislation;
- (d) to advise on the review and updating of the Intellectual Property Legislation;
- (e) to encourage and promote the training and the diffusion of knowledge and information on intellectual property;

- (f) to hold, encourage and provide co-operation programme at national or international level on intellectual property issues or matters;
- (g) to safeguard the interest of Malaysia in respect of any agreement or international convention to which Malaysia is a party, and shall to the extent necessary give effect to any provision of such agreement or convention;
- (h) to advise the Government on developments at international level on issues or matters relating to intellectual property;
- (i) to carry out research and to commission studies on issues or matters relating to intellectual property;
- (j) to advise the Minister generally on issues or matters relating to intellectual property; and
- (k) to carry out such activities and do such things as are necessary or advantageous and proper for the administration of the Corporation, or for such other purposes, consistent with this Act, as may be directed by the Minister.

### **Powers of the Corporation**

**18.** (1) The Corporation shall have power to do all things necessary or expedient for or in connection with the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Corporation shall include power—

- (a) to utilize all the properties of the Corporation, movable and immovable, in such manner as the Corporation may think expedient;
- (b) to impose fees or charges for services rendered by the Corporation as may be prescribed by the Minister by regulations made under section 41;
- (c) to appoint such agents, experts or consultants as it deems fit to assist the Corporation in the exercise of its functions;

- (d) to grant loans to employees of the Corporation for such purposes as may be approved by the Minister;
- (e) to co-operate with any corporate body or government agency for the purpose of performing the Corporation's functions;
- (f) to appoint and regulate Examiners under the Patents Act 1983 [Act 291]; and
- (g) to do anything incidental to any of its functions and powers.

(3) The Corporation shall have all such powers as may be necessary for or in connection with, or reasonably incidental to, the performance of its functions and the exercise of its powers under the Intellectual Property Legislation.

(4) For the avoidance of doubt it is declared that the powers of the Corporation shall not include the powers of the Director General under the Intellectual Property Legislation.

### **The Corporation may establish committees**

**19.** (1) The Corporation may establish such committees as it considers necessary or expedient to assist it in the performance of its functions and the exercise of its powers under this Act.

(2) Members of a committee established under subsection (1) may be appointed from amongst members of the Corporation or such other persons as the Corporation thinks fit.

(3) The Corporation may revoke the appointment of any member of a committee without assigning any reason for the revocation.

(4) A member of a committee may resign by giving notice in writing to the Chairman.

(5) A committee established under this section may elect any of its members to be chairman and may regulate its own procedure, and in the exercise of its powers such committee shall be subject to and act in accordance with any direction given to the committee by the Corporation.

(6) The members of a committee or any person invited to attend any meeting of a committee may be paid such allowances and other expenses as the Corporation may determine.

(7) Meetings of a committee shall be held at such times and places as the chairman of the committee may, subject to subsection (5), determine.

### **Delegation of the Corporation's functions or powers**

**20.** (1) The Corporation may delegate any of its functions or powers to any committee established under section 19 as it may deem necessary or desirable.

(2) Any function or powers delegated under this section—

(a) may be so delegated subject to such conditions or restrictions as the Corporation may either generally or specifically impose;

(b) shall be exercised by the committee in the name and on behalf of the Corporation.

(3) A delegation under this section shall not preclude the Corporation itself from performing or exercising at any time any of the functions or powers so delegated.

## PART IV

### PROVISIONS RELATING TO EMPLOYEES

#### **Employment of Government employees**

**21.** (1) The Corporation shall, on the appointed date, accept into its employment every person who immediately before that date is in the employment or service of the Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs, Malaysia and who was given an option by the Government of Malaysia and has opted to serve as an employee of the Corporation.

(2) Every such person who opts under subsection (1) to serve as an employee of the Corporation shall be employed by the Corporation on terms and conditions of service not less favourable than the terms and conditions of service to which he was entitled to immediately before the appointed date.

(3) Until such time as the terms and conditions of service of its employees are drawn up by the Corporation, the scheme and terms and conditions of service of employees of the Government shall continue to apply to every person employed by the Corporation under subsection (1).

(4) The Minister may by order make such modifications as may be necessary to the scheme and terms and conditions referred to in subsection (3) for the purpose of removing any difficulties as a consequence of the provisions of that subsection.

### **Salaries, terms and conditions of service of Government employees to be taken into account**

22. (1) The terms and conditions to be drawn up by the Corporation shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons while in the employment of the Government before opting into the service of the Corporation; and any such term and condition relating to the length of service with the Corporation shall provide for the recognition of service with the Government by the persons making the option as service with the Corporation.

(2) Where any person in the service of the Corporation whose case does not fall within the scope of any pension or other schemes established under this section retires or dies whilst in the service of the Corporation or is discharged from such service, the Corporation may grant to him or to such other person or persons wholly or partly dependent on him, as the Corporation thinks fit, such allowance or gratuity as the Corporation may determine.

**Appointment of other employees, agents and consultants**

**23.** (1) Subject to such regulations as may be made under section 24, the Corporation may, from time to time, appoint and employ, on such terms and conditions as the Corporation may think fit, such other employees as may be necessary for the proper administration of this Act and the Intellectual Property Legislation.

(2) The Corporation may appoint and employ consultants and agents to transact any business or to do any act required to be transacted or done in the execution of its functions or for the better carrying into effect the purposes of this Act.

**Regulations with respect to employment**

**24.** (1) The Corporation may, from time to time, make regulations with respect to the employment of employees of the Corporation.

(2) The regulations made under this section may include provisions for—

- (a) the manner of appointment, and the terms and conditions of service of the employees of the Corporation; and
- (b) the payment of gratuities, pensions and other benefits to the employees of the Corporation.

**Continuation and completion of disciplinary proceedings**

**25.** (1) Where on the appointed date any disciplinary proceedings is pending or existing against any employee of the Government who has opted into the service of the Corporation, such proceedings shall be continued and completed by the Corporation, and the law applicable to such employee immediately before the appointed date in relation to such proceedings shall apply to the proceedings continued and completed under this section.

(2) An order, ruling or direction made or given by a disciplinary authority of the Corporation pursuant to this section shall in respect of such employee have the same force and effect as an order, ruling or direction made or given by the Disciplinary Authority, Disciplinary Board or Disciplinary Appeal Board, as the case may be, under the laws referred to in subsection (1).

(3) The Minister may by order make such modifications to the laws referred to in subsection (1) in their application to such employee as may be necessary for the purpose of removing difficulties as a consequence of the provisions of that subsection.

### **Protection from personal liability**

**26.** No suit or other legal proceedings shall lie personally against any member or employee of the Corporation or any other person under the direction of the Corporation for anything which is done or intended to be done in good faith in the execution or purported execution of this Act or any of the Intellectual Property Legislation.

### **Public servants**

**27.** All members of the Corporation and its committees and all employees and agents of Corporation while discharging their duties as such members, employees or agents shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

### **Public Authorities Protection Act 1948**

**28.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Corporation or against any employee or agent of the Corporation in respect of any act, neglect or default done or committed by him in such capacity or in the capacity of those officers described in the Second Schedule.

## **PART V**

### **FINANCE**

#### **The Fund**

**29.** (1) A Fund to be known as the “Intellectual Property Fund” to be administered and controlled by the Corporation is established.

(2) The Fund shall consist of—

- (a) all moneys received by the Corporation for services rendered by the Corporation to the Government as its agent or for services rendered by the Corporation to any person;
- (b) all moneys received by the Corporation by way of grants;
- (c) all moneys derived from the disposal, lease or hire of, or any other dealings with, any property vested in or acquired by the Corporation;
- (d) all moneys derived as income from investments by the Corporation;
- (e) all moneys borrowed by the Corporation under this Act; and
- (f) all other moneys lawfully received by the Corporation.

### **Expenditure to be charged on the Fund**

30. The Fund shall be expended for the purpose of—

- (a) paying any expenditure lawfully incurred by the Corporation, including legal fees and costs and other fees and costs, and the remuneration of employees of the Corporation, including the granting of loans, superannuation allowances, pensions or gratuities;
- (b) paying any other expenses, costs or expenditure properly incurred or accepted by the Corporation in the performance of its functions or the exercise of its powers under this Act;
- (c) purchasing or hiring equipment, machinery and materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or the exercise of its powers under this Act;

- (d) repaying any moneys borrowed under this Act and the interest due on such moneys; and
- (e) generally, paying any expenses for carrying into effect the provisions of this Act.

### **Expenditure and preparation of estimates**

**31.** (1) The expenditure of the Corporation up to such amount as may be authorized by the Corporation for any one financial year shall be defrayed out of the Fund.

(2) Before the beginning of each financial year, an estimate of the expenditure for the following financial year in such form and containing such particulars as the Minister may direct shall be submitted by the Corporation to the Minister for his approval, and the Minister shall, before the beginning of that following financial year, notify the Corporation of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

(3) The Corporation may, at any time, submit to the Minister a supplementary estimate for any one financial year and the Minister may allow the whole or any part of the additional expenditure included in the supplementary estimate.

### **Conservation of the Fund**

**32.** It shall be the duty of the Corporation to conserve the Fund by so performing, exercising and discharging its functions, powers and duties under this Act as to secure that the total revenues of the Corporation are sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest in capital, taking one year with another.

### **Statutory Bodies (Accounts and Annual Reports) Act 1980**

**33.** The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Corporation.

**Power to borrow**

**34.** (1) The Corporation may, from time to time, with the prior approval of the Minister and the Minister of Finance, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister and the Minister of Finance may approve, any sums required by the Corporation for meeting any of its obligations or performing any of its functions under this Act.

(2) The Corporation may, from time to time, with the prior approval of the Minister and the Minister of Finance, borrow money by the issue of bonds, debenture, debenture stocks or such other securities upon such terms as it deems expedient for meeting any of its obligations or performing any of its functions under this Act.

**Investment**

**35.** The Fund of the Corporation may, in so far as it is not required to be expended by the Corporation under this Act, be invested in such manner as the Corporation deems fit after consultation with the Minister.

**Power to establish companies**

**35A.** The Corporation may, with the approval of the Minister and Minister of Finance, establish companies under the Companies Act 2016 to carry out and have the charge of, to conduct and to manage any activity, project and initiative which have been planned or undertaken by the Corporation in the performance of its functions under paragraphs 17(*e*), (*f*) and (*i*).

**Payment to the Federal Consolidated Fund**

**36.** The Corporation may on the instruction of the Government cause to be paid to the Federal Consolidated Fund an amount not exceeding thirty per cent of its current annual surplus after the third year of its operation.

PART VI

GENERAL

**Institution of prosecution**

**37.** No prosecution for any offence under this Act shall be instituted except by, or with the consent in writing of, the Public Prosecutor.

**Proceedings conducted by officers of the Corporation**

**38.** A legal officer as defined in the Government Proceedings Act 1956 [*Act 359*] or a legal officer of the Corporation who has been admitted as an advocate and solicitor under the Legal Profession Act 1976 [*Act 166*] may appear in any civil proceedings involving the Corporation or any person holding any of the offices specified in the Second Schedule in the performance of his functions under the Intellectual Property Legislation and may make and do all acts and applications in respect of such proceedings on behalf of the Corporation or such person, as the case may be.

**Obligation of secrecy**

**39.** (1) Except as provided in this Act or for the purpose of any civil or criminal proceedings under any written law, no member, employee or agent of the Corporation, whether during his tenure of office or during his employment or after that, and no other person who has by any means access to any classified information or document relating to the affairs of the Corporation shall give or otherwise disclose such information or document to any person.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

**Power of Minister to amend the First and Second Schedules**

**40.** The Minister may, by order published in the *Gazette*, amend the First and Second Schedules.

**Regulations**

**41.** The Minister may, on the recommendation of the Corporation, make such regulations as may be expedient or necessary for carrying out the purposes of this Act.

---

FIRST SCHEDULE

[Section 2]

1. \*Trade Marks Act 1976 [*Act 175*]
2. Patents Act 1983 [*Act 291*]
3. Copyright Act 1987 [*Act 332*]
4. Industrial Designs Act 1996 [*Act 552*]
5. Layout-Designs of Integrated Circuits Act 2000 [*Act 601*]
6. Geographical Indications Act 2000 [*Act 602*]
7. Any subsidiary legislation made under the Acts specified in items 1, 2, 3, 4, 5 and 6

---

SECOND SCHEDULE

[Sections 28 and 38]

1. The Chairman
2. The Director General
3. The Deputies Director General
4. The Registrar, Deputy Registrars and Assistant Registrars of Patents
5. The Registrar, Deputy Registrars and Assistant Registrars of Trade Marks
6. The Controller, Deputy Controllers and Assistant Controllers of Copyright
7. The Registrar, Deputy Registrars and Assistant Registrars of Industrial Designs
8. The Registrar, Deputy Registrars and Assistant Registrars of Geographical Indications

---

\*NOTE—This Act has been repealed by the Trademarks Act 2019 [*Act 815*] which comes into operation on 27 December 2019—see section 164 of Act 815.

**LAWS OF MALAYSIA****Act 617****INTELLECTUAL PROPERTY CORPORATION  
OF MALAYSIA ACT 2002**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A1560	Intellectual Property Corporation of Malaysia (Amendment) Act 2018	11-01-2018

---

**LAWS OF MALAYSIA****Act 617****INTELLECTUAL PROPERTY CORPORATION  
OF MALAYSIA ACT 2002**

## LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
35A	Act A1560	11-01-2018

---

