

## CHAPTER 1

### **APPLY FOR THE TRADEMARKS APPLICATION (TMA2, TMA4, TMA1)**

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## **CHAPTER 1**

### **APPLY FOR THE TRADEMARKS APPLICATION (TMA2)**

#### **1.1 APPLICATION FILING FEE**

An application for the registration of a trademark must be filed using the prescribed form (TMA2) and accompanied with the prescribed fee-Section 17(2) and Regulation 7(2).

Refer to the First Schedule, Regulation 3 for the applicable fee of trademark application: -

- RM 950 per class (if using the pre-approved list of goods and services)
- RM 1,100 per class (if using the Non pre-approved list of goods and services).
- RM20 per application (Mandatory for foreign applicants)

#### **1.2 APPLICATION FOR REGISTRATION OF TRADEMARK**

An applicant making an application for registration of a trademark shall, in any case, have to comply with the general filing requirements

##### **Applicant (Who may apply?) – Section 17 (1)(a)(b)**

A person who truly owns a trademark can apply to register it if;

(a) they are using it or plan to use it in business; or

(b) they have allowed or plan to allow someone else to use it in business.

Refer to the table below for examples of applicants, which may include individuals, companies, partnerships, government agencies, societies, and other legal entities:

Applicant	Named person or entity
<b>Individual</b>	<b>Example:</b> I. Ahmad bin Zainal II. Nurul Aisyah Bt. Karim III. Latifah Binti Omar
<b>Company</b>	<b>Example:</b> <b>I. Sdn. Bhd:</b> Maju Jaya Trading Sdn. Bhd. Gemilang Sdn. Bhd <b>II. Bhd :</b> Sinar Indah Bhd Perfect Bhd <b>III. Berhad :</b> Koperasi Amar Amran Berhad Access Management (Malaysia) Berhad <b>IV. PLT :</b> Fernsh Wellness PLT XYZ Accessories PLT <b>V. Enterprise:</b> Subatra A/P Anantha Vass & Angeline A/P George Douglas Trading as Ruthvekka Enterprise Tahir bin Hasan & Zulkifli bin Aziz & Hamid bin mat trading as Landscape Enterprise <b>VI. Partnership:</b> Abdul Razak Bin Muhamad Barzani & Susan Binti Mohammad Trading as Razak Barzani Trading <b>VII. Sole proprietor:</b> Norazlina Binti Abdul trading as Norazlina Binti Abdul

<b>Jointly owned trademark:</b>	<b>Example:</b> <ol style="list-style-type: none"> <li>I. Azizi Bin Kassim, Khairul Bin Anuar, SmartABC Solutions Sdn. Bhd.</li> <li>II. Herman bin Yatim &amp; Zulaikha binti Talib Trading as The Happy enterprise, Better Life Sdn. Bhd.</li> </ol>
<b>Incorporated or unincorporated body</b>	<b>Example:</b> <ol style="list-style-type: none"> <li>III. Koperasi Angkatan Tentera Malaysia Berhad</li> <li>IV. Persatuan Ibu Bapa dan Guru (PIBG) SMK Taman Mutiara</li> <li>V. Majlis Peguam Malaysia (Bar Council)</li> </ol>
<b>Political body / government authority</b>	<b>Example:</b> <ol style="list-style-type: none"> <li>I. Perbadanan Produktiviti Malaysia (MPC)</li> <li>II. Kementerian Kesihatan Malaysia</li> </ol>
<b>society</b>	<b>Example:</b> <ol style="list-style-type: none"> <li>I. Pertubuhan Seni Silat Cekak Malaysia</li> <li>II. Persatuan Pencinta Alam Malaysia</li> <li>III.</li> </ol>

If the applicant of the trademark is a Sole Proprietor, or Sole Ownership, and there is a legal name of the trustee, the application must be made under the name of “[Legal name of the trustee]” first, followed by the company name. For example, for Makmur Enterprise. Ali Bin Abu is the owner of the company, the correct entity as the applicant would be:

### 1.3 APPLICANT ADDRESS

The applicant's information must include an address to meet the minimum application requirements according to GTM 2019 26(1)(d).

## **1.4 AGENT**

An applicant for trademark registration may appoint a registered trademark agent to be duly authorized-Section 95 (1) (3).

If the applicant is not a resident of Malaysia or does not carry on their principal business in Malaysia, they must appoint and authorize a registered trademark agent to act on their behalf s 95 (2) (3).

List of Trademarks Agents, <https://www.myipo.gov.my/managing-your-trademark/>

If the applicant wishes to appoint agent to act on their behalf, they must file Form TMR7 to officially authorize the agent with the prescribed fee.

This process ensures that the appointed agent has the legal authority to handle matters related to the trademark application on behalf of the applicant.

## **1.5 ADDRESS FOR SERVICES OF THE APPLICANT**

Applicant wants to use an address different from that in Section 1(D), Form TMR7 must be submitted together with the application to specify the delivery address.

## **1.6 TYPE OF TRADEMARK**

The Applicant Must Specify the Type of Trademark They Are Applying For, Based on The Trademark They Intend to Register.

The Act provides for protection of –

- a) Trademark;**
- b) Collective mark; and**
- c) Certification mark.**

### **1.6.1 Trademark**

Definition - A "trademark" is any sign that can be represented graphically and distinguishes the goods or services of one entity from another. It can apply to services related to a business, whether or not provided for payment. References to a trademark also include collective and certification marks unless stated otherwise S 3(1)(2)(3).

### **1.6.2 Collective Mark**

Definition - A “collective mark” is a sign that distinguishes the goods or services of members of an association from those of others. The Act applies to collective marks, subject to the First Schedule S 72 (1)(2).

If the applicant wants to apply for a Collective Mark, they are required to file the rules governing the collective mark. This must be done through filing, with a Prescribed Fee.

### 1.6.3 Collective Mark Application – Document Checklist (First Schedule [S 72] 5 (1))

No.	Document	Description	Mandatory
1.	Form TMA2	Application to register a trademark – must tick Collective Mark	✓ Yes
2.	Representation of the Mark	Clear graphical or word mark representing the collective association	✓ Yes
3.	Form TMA3	Filing of rules of collective mark or certification mark	✓ Yes
	Prescribed Fee	Payment as per the fee schedule	
4.	Regulations Governing Use of Collective Mark	<p><b>These rules must clearly state:</b></p> <p><b>a) Authorized Users</b></p> <ul style="list-style-type: none"> <li>➤ Identify the person authorized to use the collective mark.</li> </ul> <p><b>b) Membership Conditions</b></p> <ul style="list-style-type: none"> <li>➤ Outline the conditions of membership in the association.</li> </ul> <p><b>c) Conditions of Use</b></p> <ul style="list-style-type: none"> <li>➤ State any specific conditions for using the collective mark (if any); and</li> </ul> <p><b>d) Sanctions for Misuse</b></p> <ul style="list-style-type: none"> <li>➤ Detail any sanctions or penalties for misuse of the collective mark (if any)</li> </ul>	✓ Yes



### 1.6.4 Example of Collective Mark



Class: 44

Services : Acupressure; Acupressure therapy services; Acupuncture services; Advisory services relating to health care; Alternative medicine services; Auricular acupuncture; Bodywork therapy; Bonesetting services; Chiropractic; Chiropractic services for adults; Chiropractic services for children; Chiropractic services for individuals with chronic illnesses; Chiropractic, physiotherapy, acupuncture, osteopathy, sports medicine, massage and paramedical services; Consultancy in the field of body and beauty care; Consultancy relating to health care; Health center services; Health clinic services; Health consultancy; Health counselling; Medical and healthcare services; Medical assistance; Medical consultancy services; Mobile chiropractic services; Providing information relating to acupuncture; Providing information relating to chiropractic; Providing information relating to physical examinations; Therapeutic services.

**Owner: Persatuan Kiropraktik Malaysia (Association of Chiropractic Malaysia)**



Class: 44

Services : Acupressure; Acupressure therapy services; Acupuncture services; Advisory services relating to health care; Alternative medicine services; Auricular acupuncture; Bodywork therapy; Bonesetting services; Chiropractic; Chiropractic services for adults; Chiropractic services for children; Chiropractic services for individuals with chronic illnesses; Chiropractic, physiotherapy, acupuncture, osteopathy, sports medicine, massage and paramedical services; Consultancy in the field of body and beauty care; Consultancy relating to health care; Health center services; Health clinic services; Health consultancy; Health counselling; Medical and healthcare services; Medical assistance; Medical consultancy services; Mobile chiropractic services; Providing information relating to acupuncture; Providing information relating to chiropractic; Providing information relating to physical examinations; Therapeutic services.

**Owner: Persatuan Kiropraktik Malaysia (Association of Chiropractic Malaysia)**

### 1.6.5 Certification Mark

Definition - A “certification mark” is a sign indicating that goods or services are certified by the mark's proprietor regarding origin, material, manufacturing process, service performance, quality, accuracy, or other characteristics. The Act applies to certification marks, subject to the Second Schedule.

If the applicant wants to apply for a Certification Mark, they are required to file the rules governing the certification mark. This must be done through e-filing, with a Prescribed Fee.

### 1.6.6 Certification Mark Application – Document Checklist (Second Schedule [S 73] 5 (2))

No.	Document	Description	Mandatory
1.	Form TMA2	Application form for registering a trademark – must tick <b>Certification Mark</b>	✓ Yes
2.	Representation of Mark	Clear graphical/logo/word representation of the mark	✓ Yes
3.	Form TMA3 Prescribed Fee	Filing of rules of collective mark or certification mark Payment as per the fee schedule	✓ Yes
4.	Regulations Governing Use	<p><b>These rules must clearly state:</b></p> <p><b>a) Authorized Users</b></p> <ul style="list-style-type: none"> <li>➤ Have you clearly specified the persons or organizations authorized to use the certification mark;</li> </ul> <p><b>b) Certified Characteristics</b></p> <ul style="list-style-type: none"> <li>➤ Have you defined the specific characteristics that the certification mark is intended to certify (e.g. quality, origin, method of production);</li> </ul> <p><b>c) Testing Procedures</b></p> <ul style="list-style-type: none"> <li>➤ Have you outlined how the proprietor will test or verify those characteristics;</li> </ul> <p><b>d) Supervision Mechanism</b></p> <ul style="list-style-type: none"> <li>➤ Have you described how the proprietor will supervise or monitor the use of the certification mark to ensure compliance; and</li> </ul> <p><b>e) Dispute Resolution</b></p> <ul style="list-style-type: none"> <li>➤ Have you included clear procedures for resolving disputes between the proprietor and the authorized users</li> </ul>	✓ Yes

### 1.6.7 Example of Collective Mark



**Class: 29**

**Services :** Butter; Butter cream; Buttercream; Buttermilk; Coconut butter; Garlic butter; Nut butter; Edible oils; Edible oils and fats; Eggs, processed; Fish fillets; Fish, not live; Fish, preserved; Fish, processed; Fish, tinned; Food products made from fish; Salted fish; Frosted fruits; Fruits, tinned; Fruit peel; Fruit, preserved; Jams; Jellies, jams, compotes; Margarine; Canned meat; Canned meat, fish, vegetables and fruits; Fresh meat; Meat; Milk beverages, milk predominating; Milk products; Potato chips; Potato crisps; Potato fritters; Fresh poultry meat; Prawns, not live; Vegetable salads; Shellfish, not live; Shrimps, not live; Fruits, canned; Fruits, processed; Canned fish; Canned vegetables; Coconut, processed; Edamame, processed; **Cow's milk**; Full-fat milk.

**Owner: LEMBAGA PEMASARAN PERTANIAN PERSEKUTUAN (FAMA)**



**Class: 9 & 8**

**Services: 9 - Batteries**

**Services: 28 - Children's toys.**

**Owner: MINISTRY OF DOMESTIC TRADE AND COST OF LIVING**



**Class: 37**




**Services:** Advisory services in the fields of construction, repair, restoration, maintenance and installation; Advisory services relating to building construction; Building construction consultancy services; Building inspection in the course of building construction; Consultancy services relating to the construction of buildings; Consultancy, information and advisory services relating to the construction of public works; Providing advice relating to installation, maintenance and repair services; Providing building construction information via a website; Providing construction information; Providing information relating to construction, repair, restoration, maintenance and installation services; Provision of information relating to construction, repair, restoration, maintenance and installation services.



**Owner: LEMBAGA PEMBANGUNAN INDUSTRI PEMBINAAN MALAYSIA (CIDB)**

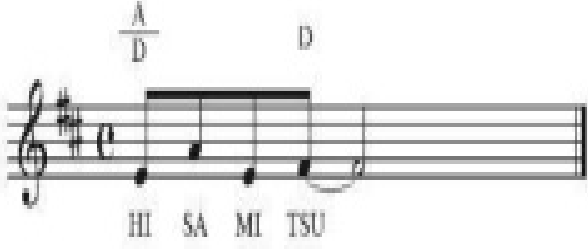

## 1.7 NATURE OF TRADEMARK

"Nature of trademark" means the type of trademark being applied for. It explains the form or features of the mark.

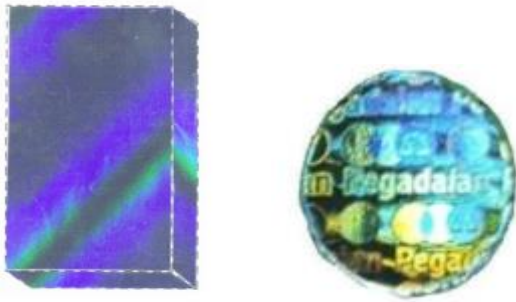
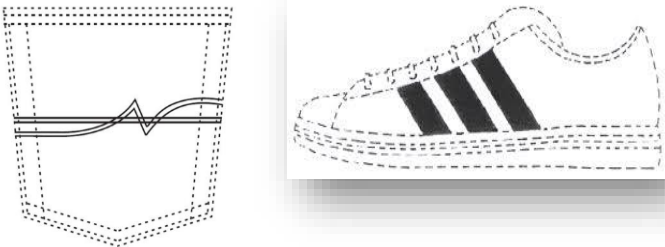

The applicant must indicate the correct nature of the trademark based on how the trademark is represented in the application. Mark only one box that best describes the type of trademark exception. If the applicant selects item no. xii (Others), they may mark more than one box for Non-Traditional Trademark. This allows for additional categories if the trademark fits multiple descriptions. This ensures clarity in defining the type of trademark, helping the registry process the application accurately.

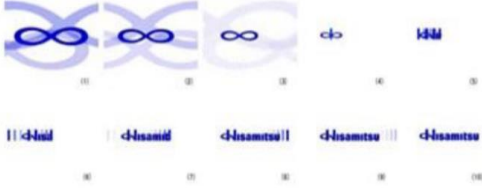
Traditional Trademark		
I.	Word	Words or any characters that can be typed  Example: F10SC
II.	Device	Pictures, images or graphics Example:  臻藝千秋  
III.	Combination of word and device	Combination of words/characters and images/graphics Example:  
IV.	Stylized word	words that are written in a particular font Example:  

Non-Traditional Trademark		
V.	Shape of goods or their packaging	<p>3d shapes of goods/packaging represented by line drawings or actual photos showing different views</p> <p>Example:</p> 
VI.	Colour	<p>Colour(s) with no pictures or words</p> <p>Example:</p> 
VII.	Sound	<p>A sound mark consists exclusively of sounds, such as musical notes, melodies, jingles, or other audio elements.</p>

		 
VIII.	Scent	<p>Unique scents to identify the source of goods or services</p> <p><math>\text{C}_6\text{H}_5\text{-CH=CHCOOCH}_3</math> (methyl cinnamate = cinnamic acid methyl ester)</p> <p><b><i>The trademark is a scent mark. It consists of the smell of freshly cut grass for tennis balls”.</i></b></p>
IX.	Hologram	<p>Non-conventional trademarks that use holograms to uniquely identify the commercial origin of products or services.</p> <p>Example:</p>









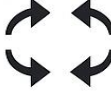


		
X.	<b>Positioning</b>	<p>Trademarks based on the specific placement or positioning of a logo, symbol, or design on a product.</p> <p><b>Example:</b></p> 
XI.	<b>Sequence of Motion</b>	<p>A motion mark consists of movements or changes in the position of elements within the trademark, such as animated logos, video clips, or sequences combining visuals and sound.</p> <p><b>Example:</b></p> 
XII.	<b>Any Combination of the above (please mark also the</b>	<p>A motion mark consists of movements or changes in the position of elements within the trademark, such as</p>

	nature of trademark to be combined)	<p>animated logos, video clips, or sequences combining visuals and sound.</p> 
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## 1.8 DESCRIPTION OF THE TRADEMARK

For **Traditional Trademark** applications, it is not necessary to provide any description of the trademark in the description section. This section can be left blank. However, for **Non-Traditional Trademark** applications, it is mandatory to provide a description in accordance with the **Trademark Act 2019**.






## GRAPHIC REPRESENTATION OF NON-TRADITIONAL MARKS



Type of Mark	Acceptable Representation	Example
 <b>Sound Mark</b>	Musical notation on a stave, sonogram, or audio file (MP3 if allowed)	 Nokia rintgone in musical notatio
 <b>Colour Mark</b>	Colour sample + precise colour code (Pantone/RGB/CMYK) + written description	 Pantone 186C red on shoe sole (Louboutin)
 <b>Shape (3D) Mark</b>	Multi-angle drawings or photos (front, back, side views)	 Coca-Cola bottle shape
 <b>Motion Mark</b>	Series of still images (frames) or video showing movement + written explanation	 <b>Security</b> hologram, iD cards
 <b>Scent (Smell) Mark</b>	(Rare):—Germily accept Chernical formula, sample+ plus detailed written descrip-	"Smell of fresh cut grass" (relected) for lack of precison

### Reminder:

All representations must be clear, precise, self-contained, easily accessible, intelligible, durable, objective. (Sieckmann cifferia)

### 1.8.1 The requirements of graphic representation for Non-Traditional marks

Type of Mark	Written Description (Mandatory)	Other Mandatory Requirements	Optional Requirement
3D Mark (Shape of goods or aspect of packaging) 	<b>Mandatory</b>	Graphic or photographic reproduction containing a maximum of six (6) views which are necessary to sufficiently describing the shape of goods or their packaging.	None
Colour (single or combination) 	<b>Mandatory</b> Description of the colour mark shall include the Pantone colour code and how the colour is applied to the goods or used in relation to the services	None	None
Sound 	<b>Mandatory</b> Detailed and specific description of the sound in words	Electronic sound file in MP3 format (Max 100MB) <div style="border: 1px solid black; padding: 2px; font-size: small;">             TM Sound Document Available file extensions are: mp3              Maximum document size accepted is 100 MB.           </div>	Musical notation
Scent 	<b>Mandatory</b> The description shall include how the scent is associated with goods or services	None	Chemical composition or formula of the scent
Hologram 	<b>Mandatory</b> Describe precisely the multiple views of the hologram when it is viewed from different angles	Graphic or photographic reproduction containing a maximum of six (6) views which are necessary to sufficiently identify the holographic effect in its entirety <div style="border: 1px solid black; padding: 2px; font-size: small;">             TM Hologram Document Available file extensions are: mp4, avi              Maximum document size accepted is 100 MB.           </div>	Video file in MP4 & AVI (Audio Video Interleave) format (max 100MB)

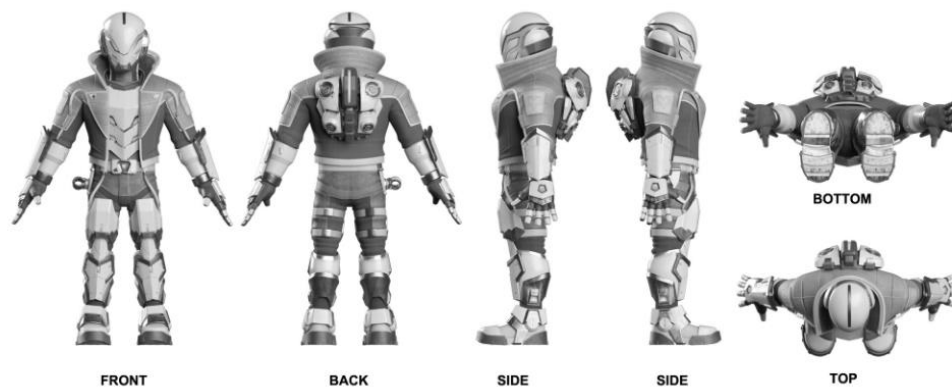
<b>Positioning</b> 	<b>Mandatory</b> The description for positioning mark shall clearly describe the trademark itself. It shall include the manner and the position of where the trademark is used on the goods or services	The picture of the trademark which shall include solid line on the part where the applicant wants to claim registration and dotted line to denote the part where the applicant does not want to claim	None
<b>Sequence of Motion</b> 	<b>Mandatory</b> Clear and precise description of the motion sequence	<p>Graphic representation of the sequence of motion in the form of a series of still images of the mark to show the movement in all different views.</p> <p>The views provided by the applicant shall be numbered or accompanied by a description explaining the sequence and detailed description explaining the movement of the motion mark.</p>	<p>Video file in MP4 &amp; AVI (Audio Video Interleave) format (max 100MB)</p> <div data-bbox="1034 893 1544 965" data-label="Text"> <p>TM Sequence of Motion Document Available file extensions are: mp4, avi</p> <p>Maximum document size accepted is 100 MB.</p> </div>

Source: Madrid Member Profiles & SPH/Extra

## 1.8.2 Example of Non-traditional Mark

**Nature of mark: Shape of goods or their packaging**

**Number of views: 6**



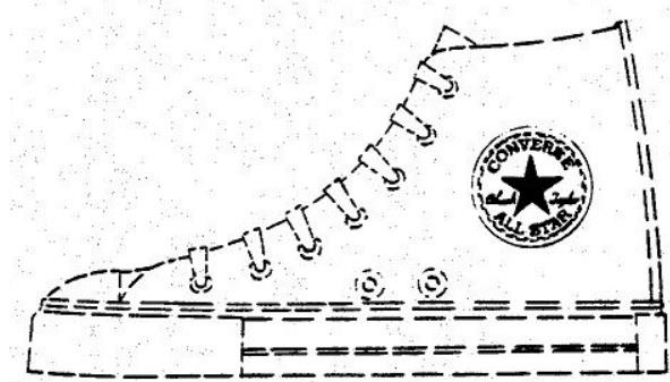
**Mark Description:** The trademark consists of a three-dimensional (3D) shape of an animated character as shown in the representation attached to the application form. The words “FRONT”, “BACK”, “SIDE”, “SIDE”, “TOP” and “BOTTOM” depicted in the mark are intended to indicate the turnaround of the character and not claimed as a feature of the trademark.

**Class: 35 & 41**

**Owner: Animonsta Studios Sdn. Bhd.**

### **Example of Non-traditional Mark**

**Nature of mark: Positioning**



**Mark Description:** The mark consists of a three-dimensional device applied to the surface of a shoe, featuring a stylized ankle patch design with a star in the centre. The broken lines depicted in the mark drawing represent areas not claimed as a feature of the mark and only serve to indicate the position or placement of the mark.

**Class: 25**

**Owner: All Star C.V.**

## Example of Non-traditional Mark

### Nature of mark: Sound

#### De Beau Sound Mark



**Mark Description:** The mark consists of a melody played by a vibraphone, which they are “E”, “C” sharp, “C” sharp an octave higher, and “A”, all played in octave simultaneously, followed by a spoken word “De Beau” transcribed as musical notes “A” and “E”. The first two notes of the melody being a quarter note and an eighth note played in the time of a quarter. Followed by the third and fourth note which also being a quarter note and an eighth note played in the time of a quarter. However, the length of the fourth note is extended an eighth note longer with a tie. The first note of the spoken word being an eighth note played in the time of a quarter, and the second note being a quarter.

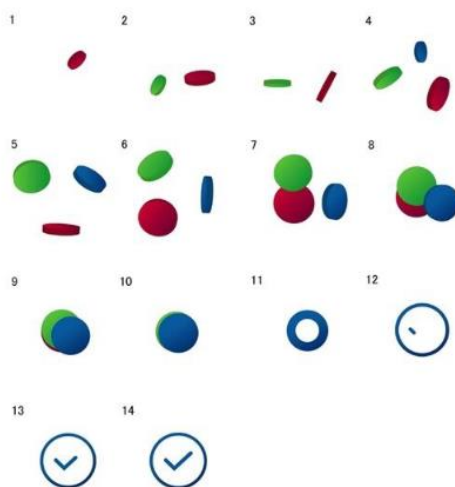
**Class: 44**

**Owner: All Star C.V.**



### Example of Non-traditional Mark

#### Nature of mark: Sequence of Motion



**Mark Description:** The mark is a moving image trade mark. Figs. 1 to 14 show the state of change of the mark with the passage of time, and the mark changes in the order of Figs. 1 to 14. First, a red disk-shaped figure appears (Fig. 1) and it starts rolling movement. Next, a green disk-shaped figure appears (Fig. 2) and it starts rolling movement with the red disk-shaped figure (Fig. 3). Further, a blue disk-shaped figure appears (Fig. 4) and the three disk-shaped figures rotate with keeping a certain distance from each other (Figs. 5 to 6). Further, the three disk-shaped figures gradually close the distance each other (Figs. 7 to 9), these figures overlap each other and only the almost blue disk-shaped figures appear (Fig. 10). After that, the overlapping figures become a center-open blue circle (Fig. 11), the blue circle outline gradually becomes thinner and the overall outline gradually becomes larger, and a blue check mark appears in the center of the center-open blue circle (Figs. 12 to 14). This motion mark is, as a whole, about 1 second. The numbers displayed in the upper left corner of each figure indicate the order of the figures and are not elements constituting the mark.



**Class: 36**

**Owner: JCB Co., Ltd.**

## 1.9 TRADEMARK IN COLOUR


The applicant may apply to limit a trademark, in whole or in part, to one or more specific colour S 20 (1)(2)(3).

For this section, the applicant must submit a representation of the trademark and indicate whether the representation is in black & white or in colour. If colour(s) is/are claimed. (please attach a representation of the mark in colour).

Example Trademark in Black & white	
Example Trademark in colour	 <p><b>Colour condition:</b> The Trademark is limited to the colours as shown in the representation on the form of the application.</p>

If an application includes a coloured representation of the mark **but the applicant does not tick the "Limitation to Colour" box**, the formality officer will insert a remark in the **Mark Description** section stating: **"No Colour Claims."** This indicates that the trademark is **not limited to any specific colours** shown in the representation.

Please refer to the example below.

	
<p><b>Note:</b> the size of the representation of the mark shall be more than 2cm x 2cm and not more than 10cm x 10cm.</p>	<p>Color or combination of colors claimed and indication of the parts of the mark in color:</p>

<p>Image</p>	
	<input type="checkbox"/> Picture is in color
<p><b>Mark Description</b></p>	<p>No colour claims</p>

## 1.10 SERIES OF TRADEMARKS

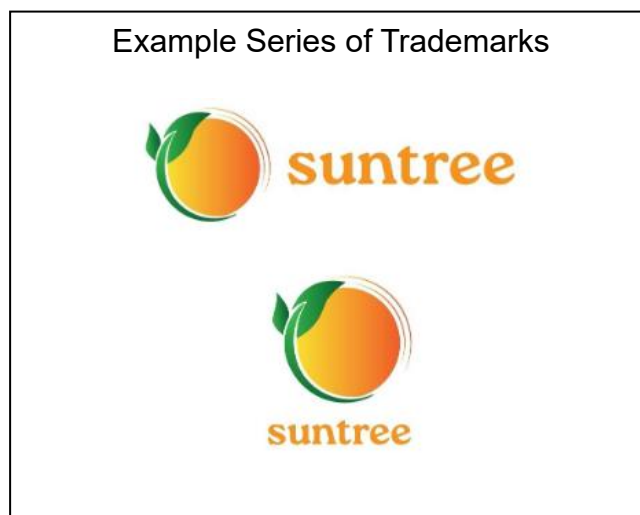
A series of marks refers to trademarks that resemble each other in material particulars but differ only in non-distinctive elements (e.g., colour, size, or minor design variations).

The Act permits registration of up to six marks in a single application, with each mark usable independently. Under Malaysia's Trademarks Act 2019, applicants can apply for a series of marks as a single application, provided the marks share a common distinctive element and differ only in non-distinctive aspects (e.g., colour, size, or minor design variations) S21(1)(a)(b)(i)(ii)(iii)(iv).

### **Fee:**

The fee for additional marks in a series is RM50 per mark, applicable to the second mark and beyond in the same application.

*(Example: If filing three (3) marks, the total fee would include the standard filing fee for the first mark + RM50 for the second mark + RM50 for the third mark).*



Example Series of Trademarks



Example Series of Trademarks



## 1.11 TRANSLITERATION & TRANSLATION

When filing a trademark application that contains non-Roman characters or a language other than the national language or English, the applicant must provide the language identification, transliteration, and translation as required under Section 17(3) of the Trademarks Act 2019 and 12(1) of the Trademarks Regulations 2019. However, it is not necessary for the transliteration and translation to be certified.

If the applicant does not submit a translation or transliteration, or if the submission is incomplete, the Registrar will issue a letter requesting the applicant to provide it within two (2) months. If the applicant fails to do so, the application will be deemed withdrawn under Regulation 12(3) and (4) of the Trademarks Regulations 2019.

The applicant must provide the following:

1. **Language Identification:** Specify the language of the word(s) in the trademark.
2. **Transliteration:** Provide the phonetic spelling of the non-Roman characters using the Roman alphabet.
3. **Translation:** Provide the meaning of the word(s) in English (or the national language, if applicable).

Trademarks requiring Transliteration & Translation.

Chinese Characters	Pronunciation/Transliteration	Translation	Whole Phrase & Meaning
张	zhāng	Surname Zhang, stretch, extend, sheet	<b>Whole Phrase</b> 张亮麻辣烫 Zhāng liàng má là tàng
亮	liàng	Bright, light,	
麻	má	Numb, hemp, flax,	<b>Whole Meaning</b> The first two characters has no meaning when they are combined; the last three words when combined means "Spicy Hot Pot".
辣	là	Hot, spicy, peppery	
烫	tàng	Scalding, boiling hot, iron	

<b>Translation and Transliteration of Japanese Characters in the Logo</b>	
1. Japanese Characters:	ふわふわ (Fuwa Fuwa)
2. Transliteration:	Fuwa Fuwa
3. Translation:	Fluff Fluff
4. Meaning in English:	"Fluffy"

<b>Mark:</b>	
<b>Denomination:</b> QWA	
<b>Translation:</b> “التقوى” means the strong.	
<b>Transliteration:</b> AL TAQWA	

## 1.12 DISCLAIMER

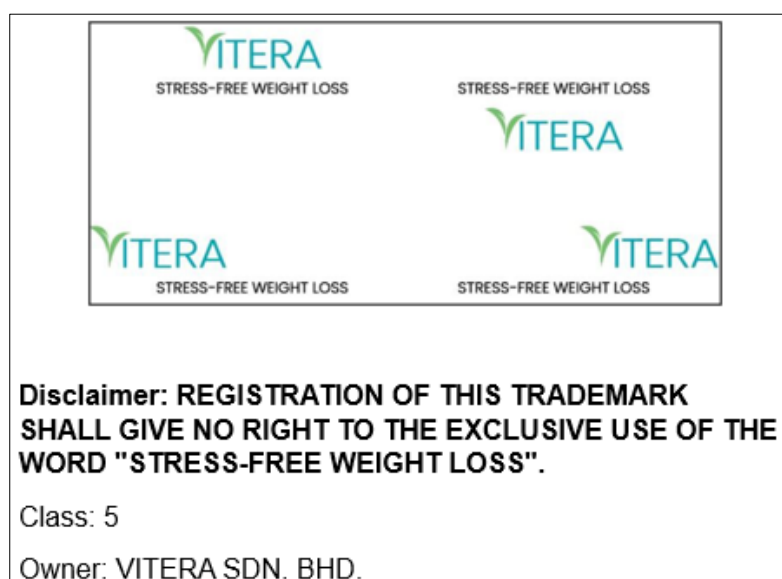
Under the Malaysian Trademarks Act 2019, voluntary disclaimers can be requested by the trademark owner under Section 30(1)(a). This section allows an applicant to disclaim any right to the exclusive use of specific elements of a trademark by submitting the appropriate application form as determined by the Registrar.

The applicant may include the following statement in the application form to make such a disclaimer:

**"Registration of the trademark shall give no right to the exclusive use of the word(s) [specific word(s)] appearing in the mark."**

This ensures that the disclaimed elements are not granted exclusive rights, allowing fair use by others while maintaining protection for the overall trademark.

### Example of Voluntary Disclaimer Marks



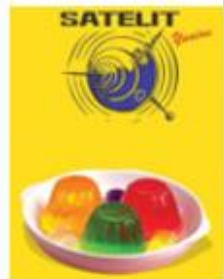




**Disclaimer: REGISTRATION OF THIS TRADEMARK SHALL GIVE NO RIGHT TO THE EXCLUSIVE USE OF THE WORDS 'GENUINE PARTS'.**

Class: 16

Owner: PERUSAHAAN OTOMOBIL NASIONAL SDN. BHD.



**Disclaimer: Registration of this mark shall give no right to the exclusive use of the "jellies device".**

Class: 29

Owner: JOO LOONG TRADING COMPANY SDN. BHD.

## 1.13 PRIORITY CLAIMED

According to Trademark Act under Section 26 (1) and Trademark Regulations 2019, Section 10(1), applicants can claim priority for Convention applications. **They must include details of this claim in their trademark registration application either at the time of filing or within three days after the application is submitted.** Additionally, applicants allow to submit more than one priority date, provided each corresponds to a separate Convention application.

applicants may claim priority based on earlier filings in Convention countries. If multiple claims are made, the **earliest foreign filing date** is used as the **priority date**, which helps establish rights during examination. However, the **official filing date in Malaysia remains unchanged** it is the date when all formality requirements are fulfilled.

<b>10</b>	<b>PRIORITY CLAIMED</b> (If more space is necessary, tick this box and use an additional sheet): <input type="checkbox"/>			
If the priority of more than one application is claimed, please indicate the priority details of all the earlier filings.				
<input type="checkbox"/>				
Country or Office	Priority Number	Date of priority to be claimed	Class	Goods/Services (Please tick one of the boxes where applicable)
<u>UNITED STATES OF AMERICA</u>	<u>98/500 000</u>	<u>19 April 2024</u>	<u>9,35,42</u>	<input checked="" type="checkbox"/> All goods and/or services <input type="checkbox"/> Some of goods and/or services Please specify:
<u>KOREA</u>	<u>08/534 2</u>	<u>19 April 2024</u>	<u>9,35,42</u>	<input type="checkbox"/> All goods and/or services <input type="checkbox"/> Some of goods and/or services Please specify:

This section is used to provide details when claiming priority:

**1. Country or Office:**

- Specify the country or office where the earlier application was filed.

**2. Priority Number:**

- Enter the application number of the earlier filing.

**3. Date of Priority to be Claimed:**

- State the filing date of the earlier application, which establishes the priority date

**4. Class:**

- Indicate the class(es) under the Nice Classification for goods/services covered by the earlier application

**5. Goods/Services:**

- Select one of the following options:
  - All goods and/or services: If claiming priority for all goods/services listed in the earlier application.
  - Some goods and/or services: If claiming priority for only specific goods/services; specify them in detail

## **1.14 GOODS AND SERVICES**

When filing a trademark application, applicants must provide a comprehensive list of the goods and/or services for which the trademark will be used. This list is crucial because it defines the scope of the trademark rights granted upon registration refer Trademark Regulations 2019, paragraph 11(1)(a)(b)(i)(ii)(A)(B) and Trademark Act under Section 19(1).

When filing a trademark application, applicants must provide a clear list of goods and/or services that the trademark will cover, as this defines the scope of protection under the Trademark Act 2019. Malaysia follows the Nice Classification system, which categorizes goods into Classes 1-34 and services into Classes 35-45, recognized internationally by over 150 countries.

The application fee varies depending on whether the goods or services are from a pre-approved list. It costs RM950 per class for pre-approved items and RM1,100 per class for non-pre-approved items. Applicants can include multiple classes in one application, with fees based on the total number of classes selected.

### 1.14.1 Fee Structure for Trademark application

#### a. Pre-Approved List:

- **Amount:** RM 950.00 per class
- **Fee Code:** TMA2A
- **Details:** This fee applies when the applicant selects goods or services that are included in the pre-approved list.
- **Website link:**  
[http://onlineapps.myipo.gov.my:8500/tmclass/search\\_class.cfm](http://onlineapps.myipo.gov.my:8500/tmclass/search_class.cfm)

#### b. Without Pre-Approved List:

- **Amount:** RM1,100.00 per class
- **Fee Code:** TMA2B
- **Details:** Applicable when the applicant's **goods or services are not listed in the pre-approved list. This includes more detailed or unique descriptions** that may require additional examination by the trademark office.
- **Website:**  
<https://webaccess.wipo.int/mgs/index.jsp?lang=en>  
<https://euipo.europa.eu/ec2/>

## 1.14.2 Formality Checking for Goods and Services

1. **Application Review:** Reviewed by an examiner.

2. **Colour Coding System:**

- **Black Colour:** Indicates the use of pre-approved goods/services, making the application straightforward.

**Exceptions apply to class headings in Classes 5, 7, 9, 12, and 35.**

Class		
Nice Classification	^ Classif Goods and Services Description	
	31	Durian saplings; Durians, fresh; Fresh durians; Fresh and unprocessed fruits; Fresh fruits and vegetables; Fresh and unprocessed fruits, vegetables, nuts and seeds.
PreApproved	Yes	

### Example for pre-approved (heading class 35)

service specification ***"Advertising; business management, organization and administration; office functions"*** Formality issuing a refusal letter requesting the applicant to clearly specify the exact services being offered, as the original description is considered too broad and lacks sufficient detail.

Nice Classification		
	^ Classif Goods and Services Description	
	Status	
	35	Advertising; Business management; Business administration; Office functions; Business information services; Business development services; Business information and research services; Advisory services relating to business management and business operations; Business management and organization consultancy; Administration of consumer loyalty programs; Secretarial services; Rental of office equipment in co-working facilities; Business consultancy being business incubation services; Business development being business incubation services; Business development for start-up companies being business incubation services; Business development; Business development consultancy services; Providing temporary office support staff; Compilation of online business directories; Business operation consultancy; Outsourcing services in the field of business operations.
PreApproved	Yes	

- **Red Colour:** Goods/services are not on the pre-approved list, the specification appears in red colour, indicating the need for further review or justification.

Nice Classification	<sup>^</sup> <a href="#">Classif</a>	Goods and Services Description	<sup>⬆</sup> <a href="#">Status</a>
	33	<b>Sale of wine, spirits, cider and other alcoholic beverages made from fermented fruit, most often grapes.</b>	Unknown
PreApproved	Yes		

## 1.15 DATE OF FIRST USE

While not mandatory under the Trademarks Act 2019, applicants may voluntarily declare the date of first use in the application form or through supporting documents (e.g. declaration letter, marketing or sales evidence).

### Benefits:

- Common Law Rights: Helps establish prior use in passing-off or disputes (e.g., *TAMIN* case – early use since 1951 recognized).
- Well-Known Trademark Support: Demonstrates long-term usage, supporting claims Section 4(1)(a)(b)(2) of the Trademarks Act 2019.

## 1.16 DECLARATION AND SIGNATURE

### 1.16.1 Applicant's Declaration

The applicant confirms they are the genuine owner of the trademark, currently using or intending to use it, or have authorized someone else to use it. They declare all information provided is true and accurate.

### **1.16.2 Agent's Declaration (if applicable)**

The agent confirms they are authorized to act for the applicant, that the information is true to the applicant's knowledge, and that the applicant is the rightful owner. The agent acknowledges no major changes or additions can be made after submission and fees are non-refundable.

### **1.16.3 Signature and Details**

The declaration must be signed by the applicant or authorized agent, including their full name, position, and date. If there are multiple applicants, all must sign the form.



## 1.17 SAMPLE OF COMPLETED TMA2A & TMA2B FORMS

Application Number: TM202500000

Receive Date: 01 JUN 2025

File Reference: TMQRS2025

Fee Code

**TMA2A**

**TMA2B**

**TMA2C**

**INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA  
TRADEMARKS ACT 2019  
APPLICATION FOR REGISTRATION OF TRADEMARK**

PAS Reference No. (if any):

Fee applicable for this request is for each class. Please indicate number of classes requested

Application for registration of trademark – by adopting from pre-approved list (Fee Code **TMA2A**)

Application for registration of trademark – without adopting from pre-approved list (Fee Code **TMA2B**)

Series of trademark (Fee Code **TMA2C**)

**1**

**APPLICANT**

a	Full Name:	QRS SERVICES SDN. BHD								
b	Applicant type (Specify whether Person, Registered Company/LLP, Partnership, Trust or Other)	Company								
c	Company Registration No. (For company or businesses registered in Malaysia only)	202103125035 (AS0460036-T)								
d	<b>Business Address</b> <ul style="list-style-type: none"> <li>If the address is not within Malaysia, you must also complete section 2 below</li> <li>If you want to use address other than business address, please also complete section 3</li> </ul>	<table border="1"> <tr> <td colspan="2">NO 1, TAMAN INDAH PURNAMA,</td> </tr> <tr> <td colspan="2">JALAN INDAH 1,</td> </tr> <tr> <td>Postcode: 70200</td> <td>Town: SEREMBAN</td> </tr> <tr> <td colspan="2">State/Country: NEGERI SEMBILAN</td> </tr> </table>	NO 1, TAMAN INDAH PURNAMA,		JALAN INDAH 1,		Postcode: 70200	Town: SEREMBAN	State/Country: NEGERI SEMBILAN	
NO 1, TAMAN INDAH PURNAMA,										
JALAN INDAH 1,										
Postcode: 70200	Town: SEREMBAN									
State/Country: NEGERI SEMBILAN										
e	Telephone (For Malaysian applicant only)	011-12345678								
f	Email <input type="checkbox"/>	<input checked="" type="checkbox"/> (Tick of this box if you would like us to correspond with you using our Electronic Filing System services.) Email: <a href="mailto:qrsservices@hotmail.com.my">qrsservices@hotmail.com.my</a>								
g	Reference (If any and no agent appointed)	TMQRS2025								

<b>2</b>	<b>AGENT</b> (Form TMR7 must be filed with this form)									
<b>3</b>	<b>ADDRESS FOR SERVICES OF THE APPLICANT</b> (if no agent is appointed and the applicant wanted to have supplementary address other the stated in item 1(d). Form TMR7 must be filed with this form)									
	a	Name: ALI BIN AHMAD								
	b	Agent No. (if known): MYA/2025/0101								
	c	Agent Reference No.:								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">ALI IP SDN BHD</td> </tr> <tr> <td colspan="2">2<sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,</td> </tr> <tr> <td>Postcode: 501000</td> <td>Town: KUALA LUMPUR</td> </tr> <tr> <td colspan="2">State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR</td> </tr> </table>		ALI IP SDN BHD		2 <sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,		Postcode: 501000	Town: KUALA LUMPUR	State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR	
ALI IP SDN BHD										
2 <sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,										
Postcode: 501000	Town: KUALA LUMPUR									
State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR										
<b>4</b>	<b>TYPE OF TRADEMARK</b>									
	i. <input checked="" type="checkbox"/> Trademark ii. <input type="checkbox"/> Collective Mark iii. <input type="checkbox"/> Certification Mark									
<b>5</b>	<b>NATURE OF TRADEMARK</b> [Mark off one box only. You may mark more boxes if item no. xii is applicable]									
	<input type="checkbox"/> i	Word Please type the trademark here:								
	<input type="checkbox"/> ii	Device Please attached or affixed the trademark in the box in Section 7								
	<input checked="" type="checkbox"/> iii	Combination of word and device Please type the word trademark here and attached or affixed the trademark in the box in Section 7  QRS								
	<input type="checkbox"/> iv	Stylized word Please type the word trademark here and attached or affixed the trademark in the box in Section 7								
	<input type="checkbox"/> v	Shape of goods or their packaging Please fill the description of the trademark in Section 6 and attached or affixed the trademark in the box in Section 7 (file format jpeg and PNG only)  Please indicate the number of views in the box. The maximum number of images per trademark is 6								

<input type="checkbox"/>	vi Colour	Please provide pantone code here and attached or affixed the trademark in the box in Section 7 (file format jpeg and PNG only)
<input type="checkbox"/>	vii Sound	Please fill up the description of the trademark in Section 6 and provide MP3 of the sound (file format mp3 not exceeding 5MB)
<input type="checkbox"/>	viii Scent	Please fill up the description of the trademark in Section 6
<input type="checkbox"/>	ix Hologram	Please fill the description of the trademark in Section 6 and attached or affixed the trademark in the box in Section 7 (file format mp4 only not exceeding 20MB)
<input type="checkbox"/>	x Positioning	Please fill the description of the trademark in Section 6 and attached or affixed the trademark in the box in Section 7 (file format jpeg and PNG only)
<input type="checkbox"/>	xi Sequence of Motion	Please fill the description of the trademark in Section 6 and attached or affixed the trademark in the box in Section 7 (file format mp4 only not exceeding 20MB)
<input type="checkbox"/>	xii Any combination of the above (please mark also the nature of trademark to be combined)	Please provide necessary information as required above.

6

**DESCRIPTION OF THE TRADEMARK** (Is required if the nature of trademark is shape of goods or their packaging, colour, sound, scent, hologram, positioning, sequence of motion)

.....

.....

.....

.....

.....

7

**THE TRADEMARK** The representation of trademark must be firmly attached or affixed in the provided area below. Please mark off which is applicable.



**Note:** the size of the representation of the mark shall be more than 2cm x 2cm and not more than 10cm x 10cm.

Color or combination of colors claimed and indication of the parts of the mark in color:

The Trademark is limited to the colours as shown in the representation on the form of the application.

If the application is for a series mark, please indicate number of series in the box provided.  
For series mark, the maximum number is 6 only

8

**OTHERS - Non-Roman character and non-national language or English**

If the trademark contains or consists of a word or words in non-Roman character or in a language other than the national language or English, please provide the following information:

Particulars		
NON-NATIONAL LANGUAGE OR ENGLISH / NON-ROMAN CHARACTER		
a	Language of the word or words / Character or script of the trademark:	Chinese Character
b	Translation of the trademark into national language or English:	jiān dìng means "Steadfast/Strong, tuán jié means "United", zhōng chéng means "Loyal/Faithful"
c	Transliteration: (pronunciation of the character/script):	坚定 - jiān dìng 团结 - tuán jié 忠诚 - zhōng chéng
c	Please mark off this box if the word(s) contained in the trademark have no meaning and cannot be translated	The combination of the Chinese characters has no meaning.

9

**DISCLAIMER** (If you want to voluntarily disclaim any rights to any specified element(s) or word(s) of the trademark, please indicate here)

"Registration of the trademark shall give no right to the exclusive use of the words "QRS" appearing in the mark."

10

**PRIORITY CLAIMED**  
 If the priority of more than one application is claimed, please indicate the priority details of all the earlier filings.

Country or Office	Priority Number	Date of priority to be claimed	Class	Goods/Services (Please tick one of the boxes where applicable)
China	123456	03 Mar 2025	25 & 30	<input checked="" type="checkbox"/> All goods and/or services <input type="checkbox"/> Some of goods and/or services Please specify:
				<input type="checkbox"/> All goods and/or services <input type="checkbox"/> Some of goods and/or services Please specify:

**11 GOODS AND SERVICES**

Indicate the Nice Classification (latest edition) to which the goods or services belong to. You may consult the Nice Classification for the list of terms accepted by Malaysia.

If more space is necessary, mark off this box and use an additional sheet: ☐

Please use "Times New Roman" or "Arial", 12 points. Use a semicolon (;) to separate goods and services.

Pre-approved list is available on [www.myipo.gov.my](http://www.myipo.gov.my)

If the space provided is insufficient, continue on a separate sheet and firmly attached to this form.

Adopting from the pre-approved list	Class	Goods or Services
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	25	Clothing, footwear, headgear; Sweatshirts; Sweatpants; Jackets; T-shirts; Polo shirts; Vests; Sweaters; Hooded tops; Nightwear; Beach clothes; Swimwear; Socks; Gloves; Mittens; Scarves; Ear muffs; Shoes; Boots; Sandals; Slippers; Hats; Caps; Visors; Headbands; Party hats; Fancy dress costumes.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	35	wholesale services in relation to clothing, sweatshirts; on-line retail sale services relating to clothing, swimwear, socks, gloves, mittens, scarves, ear muffs, shoes, boots, Sandals, slippers, hats, caps, visors, headbands, party hats and fancy dress costumes.

**12 DATE OF FIRST USE**

State the date of first use in Malaysia, if this is known. (dd/mm/yyyy):

0	1	/	12		/	2	0	2	4
---	---	---	----	--	---	---	---	---	---

**13 DECLARATION AND SIGNATURE**☐ **By Person Filing the Form**

The applicant claims to be the bona fide proprietor of the trademark and he is:

- (a) using or intends to use the trademark in the course of trade; or  
(b) authorized or intend to authorize another person to use the trademark in the course of trade.

And 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 document on behalf of the applicant shall satisfy himself as to the truth of the declaration)

I, the undersigned, do hereby declare that:

- I have been duly appointed and authorized to act as an agent on behalf of the person(s) filing this form.
- the information furnished above on behalf of the person(s) filing this form is true to the best of the applicant's knowledge.
- I have been authorized to inform that the applicant is the bona fide proprietor of the trademark whose registration is applied for that the application is made in good faith and that he is /they are entitled to be registered as the proprietor of the trademark.

I understand and accept that I cannot make any substantive changes to the trademark(s) applied for or add more goods or services once the application is submitted. I also accept that any application fees paid are non-refundable (even if the application is not acceptable).

Signature: Ali

Name of signatory: ALI BIN AHMAD

Official capacity of signatory: Agent  
(Examples: Authorized person, Director, Partner or Principal Officer of Applicant(s)/ Agent)

Date: 1 June 2025

**Attention:**

It is an offence under section 103 of the Trademarks Act 2019 to make or cause to be made a false entry to the Trademarks Office and that person may be liable to a fine not exceeding RM50,000 or to a term of imprisonment not exceeding 5 years or to both.

**14 CONFIDENTIALITY OF DOCUMENT** (Please mark off the box if applicable)

☒ I want this document to be treated as confidential (Fee of RM 10 will be added to the application fee)

**15 SCANNING SHEET**  
(Self-calculation for payment of scanning services)

No	Name of Document	No of Page(s)	Amount (RM2 for each page)
1.	TMA2B	8 Pages	RM 16.00
TOTAL PAGES AND AMOUNT TO PAY			

☐ If the space provided is insufficient, continue on a separate sheet and firmly attached to this form

**16 PAYMENT DETAILS** [Note: This will depend on the method of payment accepted.]

☐ Cash ☐ Cheque (Cheque No. )  
☐ FPX ☐ Local Order LO No.   
☒ Credit Card ☐ Other, please specify:

## 1.18 REQUEST FOR EXPEDITED EXAMINATION OF A TRADEMARK APPLICATION

### a. Form & fees



**Submission of Form (TMA4) + fee RM1000 (for each class)**

### Expedited Examination




Trademark applications may be eligible for expedited examination, which allows the application to be processed faster than the standard procedure. This can potentially lead to an earlier registration of the trademark S17(5).

### b. Types of applications qualify for expedited examination

An applicant may request for an expedited examination for a trademark application to shorten the processing time. However, this option is only available for certain types of trademarks, TM Regulations 8(1). Please refer to the table below to see which types of applications qualify for expedited examination:

Trademark	Nature of Trademark	Allowed for Expedited Examination
Traditional	i. Word ii. Device iii. Combination of word and device iv. Stylized word	
	v. Collective Mark vi. Certification Mark	



Non-Traditional	I. Shape of goods or their packaging	
	II. Colour III. Sound IV. Scent V. Hologram VI. Positioning VII. Sequence of Motion VIII. Any combination of the above (please mark also the nature of trademark to be combined)	          

### 1.19 REASONS FOR REQUESTING THE EXPEDITED EXAMINATION

To request expedited examination of a trademark application, applicants compulsory to provide **specific reasons as per below:**

- i. National or public interest.
- ii. Ongoing/potential infringement (e.g., legal proceedings or evidence of unauthorized use).
- iii. Registration required for government/institutional monetary benefits.
- iv. Other reasonable grounds (e.g., urgent business needs).

### 1.20 SUBMISSION OF FORM TMA4 FOR EXPEDITED EXAMINATION

An applicant may file Form TMA4 to expedite the substantive examination even if it was not submitted together with Form TMA2 (the trademark

application). However, this is only allowed *before* the application status changes to "Accepted."

## **1.21 PROCESSING TIME AND LIMITATIONS OF EXPEDITED TRADEMARK EXAMINATION**

A request for expedited examination of a trademark application usually takes about four (4) months and two (2) weeks to process, provided that the application is a "clear-cut case". This means the application must not have any major issues, such as similarity with existing trademarks or other legal concerns.

However, if the Registrar raises any objections during the examination for example, if the trademark is too similar to an existing one or lacks distinctiveness, the application will no longer be treated as expedited. Instead, it will be processed under the normal examination timeline, just like a regular application.

## 1.22 SAMPLE OF COMPLETED TMA4 FORMS

<b>INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA</b> <b>TRADEMARKS ACT 2019</b> <b>REQUEST FOR EXPEDITED EXAMINATION OF A TRADEMARK APPLICATION</b>		Fee Code <b>TMA4</b>
<b>Note:</b> <ul style="list-style-type: none"> <li>Please fill up all information require and attached related document if any.</li> <li>Request for expedited examination is <b>not applicable</b> for <del>colour</del>, sound, scent, hologram, positioning, sequence of motion marks, collective and certification mark.</li> <li>Fee for this request is for one class. Please indicate number of classes requested <span style="border: 1px solid black; display: inline-block; width: 30px; height: 20px; vertical-align: middle;"></span></li> </ul>		
1	<b>Application Number</b> : QRS SERVICES SDN. BHD	
2	<b>Class</b> : <input type="checkbox"/> All classes <input checked="" type="checkbox"/> Class(es) specified below: <div style="border: 1px solid black; display: inline-block; padding: 2px 5px; margin-top: 5px;">         25   35   <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span>   <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span>   <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span>   <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span>   <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span>   <span style="border: 1px solid black; display: inline-block; width: 20px; height: 15px;"></span> </div>	
3	<b>Reasons for requesting the expedited examination:</b> [Mark off one or more boxes where applicable.] <input checked="" type="checkbox"/> national or public interest; <input type="checkbox"/> there are infringement proceedings taking place or evidence showing potential infringement in respect of the trademark applied for; <input type="checkbox"/> registration of the trademark is a condition to obtain monetary benefits from the Government or institutions recognised by the Registrar; or <input type="checkbox"/> there are other reasonable grounds which support the request. Please specify: <div style="border-top: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-top: 1px solid black; height: 20px; margin-top: 5px;"></div>	
4	<b>Name of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change name of the applicant together with this request. Various changes can be made under one payment] <div style="border: 1px solid black; height: 25px; margin-top: 5px;"></div>	
5	<b>Address of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change address of the applicant together with this request. Various changes can be made under one payment] <div style="border: 1px solid black; height: 25px; margin-top: 5px;"></div> <div style="border: 1px solid black; height: 25px; margin-top: 5px;"></div> <div style="border: 1px solid black; height: 25px; margin-top: 5px;"></div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Postcode:</span> <span>Town:</span> </div> <div style="border: 1px solid black; height: 25px; margin-top: 5px;"></div>	

6	<b>Agent</b> <table border="1" data-bbox="371 302 1351 432"> <tr> <td data-bbox="371 302 419 336">a</td> <td data-bbox="419 302 675 336">Name:</td> <td data-bbox="675 302 1351 336">ALI BIN AHMAD</td> </tr> <tr> <td data-bbox="371 336 419 369">b</td> <td data-bbox="419 336 675 369">Agent Code (if known)</td> <td data-bbox="675 336 1351 369">MYA/2025/0101</td> </tr> <tr> <td data-bbox="371 369 419 432">c</td> <td data-bbox="419 369 675 432">Agent's Reference</td> <td data-bbox="675 369 1351 432"></td> </tr> </table> <p data-bbox="371 443 1351 477">Note: Fee of RM20 (Fee Code TMR7) will be charged if the agent is newly appointed</p>	a	Name:	ALI BIN AHMAD	b	Agent Code (if known)	MYA/2025/0101	c	Agent's Reference	
a	Name:	ALI BIN AHMAD								
b	Agent Code (if known)	MYA/2025/0101								
c	Agent's Reference									
7	<b>Address for Service of the Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMR7) will be charged for this request] <table border="1" data-bbox="443 633 1351 801"> <tr> <td colspan="2">ALI IP SDN BHD</td> </tr> <tr> <td colspan="2">2<sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,</td> </tr> <tr> <td>Postcode: 50100</td> <td>Town: KUALA LUMPUR</td> </tr> <tr> <td colspan="2">State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR</td> </tr> </table>	ALI IP SDN BHD		2 <sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,		Postcode: 50100	Town: KUALA LUMPUR	State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR		
ALI IP SDN BHD										
2 <sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,										
Postcode: 50100	Town: KUALA LUMPUR									
State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR										
8	<b>Declaration and Signature</b> <input type="checkbox"/> <b>By the Applicant Filing the Form</b> I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.  <input checked="" type="checkbox"/> <b>By Agent</b> (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 applicant(s) who is filing this form. ii the information furnished above on behalf of the applicant(s) who is filing this form is true to the best of the applicant(s)' knowledge.  Signature: <u>Ali</u> Name of signatory: <u>ALI BIN AHMAD</u> Official capacity of signatory: <u>Agent</u> (Examples: Authorized person, Director, Partner or Principal Officer of Applicant(s)/ Agent) Date: <u>02 July 2025</u>  <b>Attention:</b> It is an offence under section 103 of the Trademark Act 2019 to make or cause to be made a false entry to the Trademarks Office and that person may be liable to a fine not exceeding RM50,000 or a term of imprisonment not exceeding 5 years or to both.									
9	<b>Confidentiality of Document</b> (Please mark off the box if applicable)  <input checked="" type="checkbox"/> I want to apply for this document to be treated as confidential (Fee of RM 10 will be added to the application fee)									

10	<b>Scanning Sheet</b> (Self-calculation for payment of scanning services)			
	No	Name of Document	No of Page(s)	Amount (RM2 for each page)
	TOTAL PAGES AND AMOUNT TO PAY			
	<input type="checkbox"/> If more space is necessary, mark off this box and use an additional sheet			
11	<b>PAYMENT DETAILS</b> [Note: This will depend on the method of payment accepted.]			
	<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque (Cheque No.)	<input type="text"/>	
	<input type="checkbox"/> FPX	<input type="checkbox"/> Local Order (LO No.)	<input type="text"/>	
	<input checked="" type="checkbox"/> Credit Card	<input type="checkbox"/> Other, please specify:	<input type="text"/>	

### 1.23 Application for preliminary advice and search

Before applying for a trademark, applicant may request Preliminary Search and Advice from MyIPO to check if their trademark is unique and can be registered. This **optional service** helps determine whether a proposed trademark is likely **to be accepted or face objection**.

Preliminary advice and search are governed under **Section 13 of the Trademark Act 2019**, which allow any person to request a PSA before filing a formal application.

#### a. Form and fees

##### I. Form **TMA1 - RM 250/class**

##### II. Submission Methods:





- **Online:** MyIPO IP Online System - <https://iponlineext.myipo.gov.my>
- **In person or by mail:** Submit the completed form TMA1 and payment to MyIPO HQ or regional offices.

Below are the steps on applying for Preliminary Search and Advice (PSA)

- i. Applicant's name and address
- ii. Trademark representation
  - A clear image or graphic representation of the sign

- For series of trademarks, the applicant may submit a maximum of six variations.
    - For shape of goods or their packaging, may submit up to six different views.
- iii. Description of shape of goods or their packaging (if applicable)

- iv. Specification of goods or services and class
  - The description must refer to a pre-approved list based on Nice Classification or Madrid Good & Services database.
- v. Translation and transliteration (for non-roman or foreign language marks)
  - Translation must be in English.
  - Transliteration for each of the characters.
  - Indication of the language used.
- vi. Types of marks qualify for preliminary advice and search: -

Trademark	Nature of Trademark	Allowed for Preliminary Advice and Search
Traditional	vii. Word	
	viii. Device	
	ix. Combination of word and device	
	x. Stylized word	
Non-Traditional	IX. Shape of goods or their packaging	
	X. Colour	
	XI. Sound	
	XII. Scent	
	XIII. Hologram	
	XIV. Positioning	
	XV. Sequence of Motion	
	XVI. Any combination of the above (please mark also the nature of trademark to be combined)	

**b. Examination process**

MyIPO will conduct a search and provide advice on the registrability of the proposed trademark, highlighting any potential conflicts or issue. An examiner reviews the proposed trademark if it meets registration requirement under the Trademark Act 2019.

- i. **Absolute grounds (section 23)**  
e.g; lack of distinctiveness, descriptiveness, generic terms.
- ii. **Relative grounds (section 24)**  
e.g: conflicts with existing trademark
- iii. **Other legal grounds under the Act.**

**c. Processing time**

The registrar is obligated to issue the result within **one (1) month** from the date of application.

**d. Nature of result**

- i. **Affirmative** - Trademark is likely to be registered.
- ii. **Not affirmative** - Potential issues exist (eg: - similar marks, lack of distinctiveness)




# SAMPLE OF COMPLETED TMA1 FORM

Fee Code  
**TMA1**

## INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA TRADEMARKS ACT 2019 REQUEST FOR PRELIMINARY ADVICE AND SEARCH

Note: Fee for this request is for one class. Please indicate number of classes requested

<p><b>1</b></p>	<p><b>Nature of trademark</b> (Non-traditional Mark, Collective Mark and Certification Mark is not applicable)</p>	<p> <input type="checkbox"/> Word mark  <input type="checkbox"/> Device mark  <input checked="" type="checkbox"/> Combination of Word and Device  <input type="checkbox"/> Shape mark / aspect of packaging,         </p> <p>Please write number of series in this box if the trademark is a series of trademark <input type="text"/></p> <p>(Note: maximum of 6 series only)</p>
<p><b>2</b></p>	<p><b>Representation of trademark or graphic representation of the sign</b></p> <p>If the space provided is insufficient, the representation may be made on a separate sheet which must be firmly annexed to this Form</p> <p><b>Note: the size of the representation of the mark shall be more than 2cm x 2cm and not more than 10cm x 10cm</b></p>	
<p><b>3</b></p>	<p><b>Description of Trademark</b> (Is required if the nature of trademark is Shape mark or their packaging)</p>	

<b>4</b>	Search and advice are requested in class: (You may request in more than one class)		
	<b>Class</b>	<b>List of Goods or services</b>	
	25	Clothing, footwear, headgear; Sweatshirts; Sweatpants; Jackets; T-shirts; Polo shirts; Vest; Sweaters; Hooded tops; Nightwear; Beach clothes; Swimwear; Socks; Gloves; Mittens; Scarves; Ear muffs; Shoes; Boots; Sandals; Slippers; Hats; Caps; Visor; Headbands; Party hats; Fancy dress costumes.	

<b>5</b>	<b>OTHERS - Non-Roman character and non-national language or English</b> If the trademark contains and consists of a word and words in non-Roman character or in a language other than the national language or English, information below must be provided.		
	<b>Select which is applicable</b>	<b>Particulars</b>	
	<input type="checkbox"/>	<b>NON-NATIONAL LANGUAGE OR ENGLISH</b>	
		a	Language of the word or words belong:
		b	Translation of the trademark into national language or English:
		c	Please mark off this box if the word(s) contained in the trademark have no meaning and cannot be translated
	<input type="checkbox"/>	<b>NON-ROMAN CHARACTER</b>	
		a	Character or script of the trademark belong: Chinese Character
		b	Transliteration <i>jiān dìng</i> means "Steadfast/Strong, <i>tuán jié</i> mean "United", <i>zhōng chéng</i> means "Loyal/Faithful"
		c	Translation of the trademark into national language or English: <i>坚定 - jiān dìng</i> <i>团结 - tuán jié</i> <i>忠诚 - zhōng chéng</i>
		d	Please mark off this box if the word(s) contained in the trademark have no meaning and cannot be translated  The combination of the Chinese characters has no meaning.

<b>6</b>	<b>APPLICANT</b> [If there is more than one applicant mark off this box and fill additional information]: <input type="checkbox"/>		
	a	<b>Full Name:</b>	QRS SERVICES SDN. BHD
	b	<b>Applicant type</b> (Specify whether Person/individual, body corporate, partnership,	Company

	LLP, association/body authority or Other)									
c	<b>Company Registration No.</b> (For company or businesses registered in Malaysia only)	202103125035 (AS0460036-T)								
d	<b>Business Address</b> <ul style="list-style-type: none"> <li>• If the address is not within Malaysia, you must also complete section 7 below</li> <li>• If you want to use address other than business address, please also complete section 8</li> </ul>	<table border="1"> <tr> <td colspan="2">NO 1, TAMAN INDAH PURNAMA,</td> </tr> <tr> <td colspan="2">JALAN INDAH 1,</td> </tr> <tr> <td><b>Postcode: 70200</b></td> <td><b>Town: SEREMBAN</b></td> </tr> <tr> <td colspan="2"><b>State/Country: <u>NEGERI SEMBILAN</u></b></td> </tr> </table>	NO 1, TAMAN INDAH PURNAMA,		JALAN INDAH 1,		<b>Postcode: 70200</b>	<b>Town: SEREMBAN</b>	<b>State/Country: <u>NEGERI SEMBILAN</u></b>	
NO 1, TAMAN INDAH PURNAMA,										
JALAN INDAH 1,										
<b>Postcode: 70200</b>	<b>Town: SEREMBAN</b>									
<b>State/Country: <u>NEGERI SEMBILAN</u></b>										
e	<b>Telephone</b> (For Malaysian applicant only)	011-12345678								
f	<b>Mode of Correspondence</b>	<input checked="" type="checkbox"/> (Mark off this box if you would like us to correspond with you using our Electronic Filing System services. You must have a registered ID)  Email: grsservices@hotmail.com.my								
g	<b>Applicant's Reference</b> (If any)	TMQRS2025								

7

**AGENT** [Fee of RM20 (Fee Code TMR7) will be charged if the agent is newly appointed]

a	Name:	ALI BIN AHMAD
b	Agent Code (if known)	MYA/2025/0101
c	Reference	

8

**ADDRESS FOR SERVICES OF THE APPLICANT** (if no agent is appointed and the applicant wanted to have supplementary address other the stated in item 6(d). Fee of RM20.00 (Fee Code TMR7) must be filed with this application)

ALI IP SDN BHD	
2 <sup>ND</sup> FLOOR, WISMA PERMATA, JALAN SULTAN,	
Postcode: 501000	Town: KUALA LUMPUR
State/Country: WILAYAH PERSEKUTUAN KUALA LUMPUR	

**9****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: Ali

Name of signatory: ALI BIN AHMAD

Official capacity of signatory: AGENT

(Examples: Authorized person, Director, Partner or Principal Officer of Applicant(s)/ Agent)

Date: 1 JANUARY 2025

**Attention:**

**It is an offence under section 103 of the Trademark Act 2019 to make or cause to be made a false entry to the Trademark Office and that person may be liable to a fine not exceeding RM50,000 or a term of imprisonment not exceeding 5 years or to both.**

**10****CONFIDENTIALITY OF DOCUMENT**

(Please tick off the box if applicable)

- ☐ I want to apply for this document to be treated as confidential (Fee of RM 10 will be added to the application fee)

**11****SCANNING SHEET**

(Self-calculation for payment of scanning services)

No	Name of Document	No of Page(s)	Amount (RM2 for each page)
1.	TMA 1	4 PAGES	RM 9.00
TOTAL PAGES AND AMOUNT TO PAY			

☐ If more space is necessary, Mark off this box and use an additional sheet

**12****PAYMENT DETAILS** [Note: This will depend on the method of payment accepted.]

- |   |  |
|---|--|
| <input type="checkbox"/> Cash                   | <input type="checkbox"/> Cheque (Cheque No. <input type="text"/> )   |
| <input type="checkbox"/> FPX                    | <input type="checkbox"/> Local Order LO No. <input type="text"/>     |
| <input checked="" type="checkbox"/> Credit Card | <input type="checkbox"/> Other, please specify: <input type="text"/> |

## 1.24 FILING A TRADEMARK APPLICATION AFTER PAS RESULT.

Once the result is out and shows an “Affirmative” result, applicant may proceed to file a formal trademark application – TMA2 (**Section 17 of the Trademark Act**).

- This application needs to be applied **as soon as possible**. – **GTM 2019 5(1) pg. 28**. This is to ensure that applicant secure their right before someone else register a similar trademark before they do.
- **PSA reference number** (from your search result) needs to be included in the application form.

## 1.25 REFUND OF TRADEMARK APPLICATION FEE

If the trademark application gets a provisional refusal after passed the PSA result, you may eligible for a refund under **Section 13(2) of the Trademark Act**.

### a. When can apply for a refund?

It can be request if trademark application is refused due to:

#### i. Absolute Grounds (Trademark is not unique/distinctive)

*Illustration for (i): Based on provisional refusal on absolute grounds.*

An applicant had applied for preliminary advice and search. After examination, the Registrar issued an affirmative result to that preliminary advice and search that the trademark can be registered.

Acting on the advice, the applicant proceeds to make an application to register his trademark. However, later on, the applicant received a provisional refusal based on absolute grounds. Since the provisional was based on absolute grounds, the applicant is entitled to get refund on the fee paid for his application to register his trademark.

**ii. Relative Ground due to Examiner's Error (MylPO mistakenly approved PSA)**

*Illustration for (ii): Based on provisional refusal on relative grounds because of examiner's error*

An applicant had applied for preliminary advice and search on 1 January 2025. After conducting the examination, the Registrar issued an affirmative result on 15 January 2025 that the trademark can be registered.

Acting on the advice, the applicant proceeds to make an application to register his trademark on 16 January 2025. However, later on, the applicant received a provisional refusal based on relative grounds. The earlier mark was applied on 15 December 2024. Thus, the earlier mark should be on record during the Registrar's examination of the request for preliminary advice and search.

In this situation, the applicant is entitled to get refund on the fee paid for his application to register his trademark.

**b. When cannot get a refund?**

**i. Another trademark was file before applying for trademark application.**

*Illustration for (i): Based on provisional refusal out of control of examiner.*

An applicant had applied for preliminary advice and search on 1 January 2025. After examination, the Registrar issued an affirmative result on 15 January 2025 that the trademark can be registered.

Acting on the advice, the applicant proceed to make an application to register his trademark on 20 January 2025. However, another person had applied for an identical or similar trademark on 16 January 2025. Later on, the applicant received a provisional refusal based on relative grounds. The earlier trademark was entered into the record after the Registrar had given the result of the request of preliminary advice and search but before the applicant had made an application to register his trademark.

In this case, the existence of the earlier trademark is well beyond the control of the examiner. Thus, the applicant cannot apply for refund of fee under this circumstance.

## ii. Provisional refusal is for a class not covered in PAS.

*Illustration for (ii): Provisional refusal on absolute or relative grounds on the classes that were not part of the classes applied for during preliminary advice and search.*

The applicant applied for preliminary advice and search for classes 3 and 5 on 1 January 2025. After examination, the examiner issued the preliminary advice and search result that the trademark can be registered on 15 January 2025.

Acting on the advice, the applicant proceed to make an application to register his trademark on 16 January 2025. However, the applicant had not only applied for goods or services in class 3 and 5 but also in class 44.

Later on, the applicant received a provisional refusal based on either absolute or relative grounds but only for goods in class 44. Since services in class 44 is not part of the classes applied for during the application of preliminary advice and search, an applicant cannot get a refund on the fees paid for application for registering the trademark.

## c. How to apply for a refund?

### i. Step 1: Withdraw trademark application. – TMP1

- Before requesting a refund, applicant must **withdraw the trademark application** by submitting a withdrawal form and **paying the withdrawal fee**.
- This must be done **within 2 months** of receiving the **provisional refusal**.

### ii. Step 2: Submit a refund request (TMM1)

- After withdrawing, submit a **request for a refund** and pay the **prescribed fee**.
- MyIPO will review applicant's request and decide whether they are qualifying for a refund or not.