

## CHAPTER 11

### RENEWAL

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## CHAPTER 11

### RENEWAL

#### 11.1 Renewal

The registration of a trademark shall be valid for a period of **ten (10) years** from the date of filing the application, and may be renewed for successive periods of ten (10) years upon payment of the prescribed renewal fees.

The request for renewal will be processed and the Registrar shall update the Register to reflect the new expiry date of the trademark.

#### 11.2 Duration and renewal of registration (Section 39 TMA 2019)

**Section 39(1)** states that the registration of a trade mark shall be for a period of ten years from the date of registration; and

**Section 39(2)** provides that the registration of trademark may be renewed, for some or all of the classes of goods or services for a further period of ten years.

Renewal shall take effect from the expiry of the previous registration (**Section 39(7)**).

**Eg : Registration Date : 01/03/2013**

**Expiry Date : 01/03/2023**

Request for renewal can be filed **within six months before** the expiry date the last registration date.

### **11.3 Reminder of renewal of registration (Paragraph 14 GTM 2019)**

The registrar **may** send a reminder to the registered proprietor intimating the approaching expiration of registration of trademark at least **one month before** the expiration of the last registration of a trademark.

### **11.4 Renewal application**

If the registered proprietor request for renewal on or before the expiry date, the registered proprietor shall pay the renewal fee (**Section 39(4)**)

The renewal fee is **charged per class**. The fee code is **TME1** (Second Schedule and Third Schedule – GTM 2019)

**Eg : Expiry Date : 01/03/2023**

**TME1 : 01/09/2022 – 01/03/2023**

If there are any changes of the registered proprietor details or his address for service, the registered proprietor has to notify the Registrar before filing the request for renewal. The fee code is **TMB4 along with the prescribed fee per application. (Second Schedule and Third Schedule – GTM 2019).**

### **11.5 Late renewal application**

If the registered proprietor fails to renew the trademark by the expiry date, the status of the trademark will be changed to Expired

A request for renewal may still be filed within **six months** after the expiry date, (subsection 39(5)) subject to the payment of the renewal fee and a surcharge.

**Eg : Expiry Date : 01/03/2023**

**TME2 : 02/03/2023 – 01/09/2023**

The fee payable is the **Renewal fee + surcharge per class**. The fee code is **TME2**. (Second Schedule and Third Schedule – GTM 2019)

The late renewal still renews the registration of trademark for a period of ten years from the date of expiry.

### **11.6 Restoration of registration**

If the registered proprietor fails to request for a late renewal within **six months** after the expiry date of the late renewal, the trademark will be removed.

The registered proprietor may request for **restoration** for his removed registration **within six months** from the date of removal. **(Section 39(9))**

**Eg: Expiry date: 01/03/2023**

**TME3: 02/09/2023 – 01/03/2024**

The restoration fee is charged **per class (Fee Code TME3 - Second Schedule and Third Schedule – GTM 2019)**.

The registrar shall restore the trademark registration upon payment of the restoration fee within **one year** from the expiration of last registration.

The renewal or restoration of the registration of a trademark **shall be published** in the **Intellectual Property Official Journal (IPOJ)** **(Subsection 39(11))**

### **11.7 Removal of trademark from register**

If the registration is **not renewed** on or before the date of expiry of the registration or within the period of six months after the date of expiry of the registration, the trademark shall be deemed **removed**. **(Subsection 39 (8))**

The trademark registration will continue to be cited against an application for registration during this six-month period.

If restoration is not applied within six months from the date the trademark is deemed removed, the registration shall **cease. (Subsection 39(10))**

The ceased trademark may **no longer be restored**. If you still wish to seek protection for the ceased trademark, you will need to file a **new trade mark application**.

## 11.8 Renewal Timeline

**Eg : Registration Date - 01/03/2013**

**Expiry Date – 01/03/2023**

Renewal (TME1)	Late Renewal and Removal of registration (TME2 – renewal fee + surcharge)	Restoration of Registration (TME3 – restoration fee)
<b>01/09/2022 – 01/03/2023 (6 months)</b>	<b>02/03/2023 – 01/09/2023 (6 months)</b>	<b>02/09/2023 – 01/03/2024 (6 months)</b>

## 11.9 Status of Unrenewed Trademark

In a case of the registration of trademark **is not renewed or has been deemed removed and has not been restored**, other person **may apply** for the registration of that trademark.

### 11.10 Cessation of registration (Section 41)

The status in the system will be Ceased. This is the new status for under the Trademarks Act 2019.

The registration of a trademark **ceases** if:

1	Failure to renew/restore	Section 39(10)
2	Revocation by Registrar	Section 45
3	Revocation by Court (non-use)	Section 46
4	Invalidation by Court (third party)	Section 47
5	Voluntary cancellation	Section 44

### 11.11 Partially renew a trade mark

When renewing a trade mark, you may choose to renew it for only some of its goods and services classes.

If a trade mark has been renewed for only some of its goods and services classes, it may be renewed for some or all of the other classes **at a later date**, the registered proprietor may request to **divide** the classes of goods or services (Section 37), - **TMA5** as long as this is done within the one year before the renewal due date.

If the remaining classes are not renewed by or on the renewal due date, any classes that have not been renewed will be removed from the trade mark registration.

### **11.12 Trademark registered after the first renewal date**

Where the registration of a trade mark takes more than 10 years, namely after the first renewal date, the application for the renewal may be made within **two (2) months** following the date of reminder from the Registrar.

**Scenario: -**

<b>Application date</b>	<b>02/01/2002</b>
<b>Registration date</b>	<b>02/01/2002 – 02/01/2012</b>
<b>1<sup>st</sup> Renewal</b>	<b>02/01/2012</b>

**Application has been opposed after publication.**

<b>Acceptance date</b>	<b>10/06/2002</b>
<b>Publication date</b>	<b>20/06/2002</b>
<b>Opposition filed</b>	<b>02/07/2002</b>

**Registration is obtained after the 1<sup>st</sup> Renewal date**

<b>Opposition withdrawn (Application can be registered)</b>	<b>03/04/2025</b>
<b>Date of Certificate issued</b>	<b>04/04/2025</b>
<b>Renewal reminder date</b>	<b>07/04/2025</b>

**As per office practice, a period of two (2) months from 07/04/2025 is granted to the trademark owner or their authorized agent to file the renewal request (TME1).**

## 11.13 The Trade Mark Ordinance 1959 and Trade Mark Act 1976 & Trade Mark Regulation 1983

Trademark registered under previous act and regulation were deemed to be registered under the current Act (Trademarks Act 2019) and the date of registration and renewal will remain as in the register.

### Format to calculate the renewal date

The screenshot shows the MyIPO website interface for a trademark application. The main section is titled 'Case Data' and contains the following information:

Client Reference	WT/ghia/20202068 (31585)	Submission Date	03 Jan 1952
Status	Registered	Filed/Designation Date	03 Jan 1952
Application Number	M/020011	Publication Date	29 Jul 1954
Application Type	National Trade Mark	Registered/Protected on	03 Jan 1952
Journal Name		Renewal Due Date	03 Jan 2031
		Issue of Certificate Date	23 Oct 1954
Date of Legal Status	29 Jun 2001		

Below the 'Case Data' section, there are sections for 'Preliminary Search & Advice' and 'Contact'. The 'Contact' section includes details for the Agent, Owner, and Correspondent.

**Agent:** Gu Jian Hui, 4562, Amica IP Services (Malaysia) Sdn Bhd, 164B-1, 1 st Floor, Wisma Sekiong Jalan Ngee Heng Johor Bahru 80000 Johor (MY)

**Owner:** ARNOTT'S BISCUITS LIMITED, Level 1, Building B, 24 George Street, North Strathfield NSW 2137, (AU)

**Correspondent:** Gu Jian Hui, Amica IP Services (Malaysia) Sdn Bhd, 164B-1, 1 st Floor, Wisma Sekiong Jalan Ngee Heng, Johor Bahru 80000, Johor, MY

**Address for Service:** Select an address for service for the current application. Default Address: Amica IP Services (Malaysia) Sdn Bhd, 164B-1, 1 st Floor, Wisma Sekiong Jalan Ngee Heng, Johor Bahru, Johor 80000, Malaysia

**Notification Method:** Choose if you want to receive notifications by post or by email

<b>Trademark No.</b>	<b>M/020001</b>	<b>1952 + 7 years = 1959</b>
<b>Application date</b>	<b>03/01/1952</b>	<b>1<sup>st</sup> Ren:</b>
<b>Publication date</b>	<b>29/07/1954</b>	<b>1959 + 14 y = 1973</b>
<b>Registered date</b>	<b>03/01/1952</b>	<b>1973 + 14 y = 1987</b>
<b>Next Renewal date</b>	<b>03/01/2031</b>	<b>1987 + 14 y = 2001 (New Act)</b>
		<b>2001 + 10 = 2031</b>



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## M/000002 - NATIONAL TRADE MARK - OSRAM

Bibliographical Data Activities History Document(s) Examination Payment(s)

### Case Data

Status	Registered	Submission Date	09 Feb 1951
Application Number	M/000002	Filed/Designation Date	09 Feb 1951
Application Type	National Trade Mark		
Journal Name		Publication Date	21 Jun 1951
		Registered/Protected on	09 Feb 1951
		Renewal Due Date	23 Aug 2026
		Issue of Certificate Date	27 Mar 1951
Date of Legal Status	11 May 2006		

### Preliminary Search & Advice

PSA Reference Number

PSA Case Number

### Contact

Agent	Name	Agent Number	Address(es)			
	Karen Navamani Abraham	3761	Shearn Delamore & Co. 7th. Floor, Wisma Hamzah-Kwong Hing No. 1, Leboh Ampang Wilayah Persekutuan 50100 Kuala Lumpur (MY)			
	Show / Hide columns					
Owner	Name	Agent Number	Address(es)			
	OSRAM GmbH		Marcel-Breuer-Straße 6, 80807 München, (DE)			
	Show / Hide columns					
Correspondent	Name	Address	Town	Post Code	State	Country

<b>Trademark No.</b>	<b>M/000002</b>	<b>The calculation is not the same and we just maintain as what is in the register.</b>
<b>Application date</b>	<b>09/02/1951</b>	
<b>Publication date</b>	<b>21/06/1951</b>	
<b>Registered date</b>	<b>09/02/1951</b>	
<b>Next Renewal date</b>	<b>23/08/2026</b>	

97010074 - NATIONAL TRADE MARK - CATDOG

Bibliographical Data   Activities   History   Document(s)   Examination   Payment(s)

**Case Data**

Status	Registered	Submission Date	23 Jul 1997
Application Number	97010074	Filed/Designation Date	23 Jul 1997
Application Type	National Trade Mark		
Journal Name	14/2014	Publication Date	03 Apr 2014
		Registered/Protected on	23 Jul 1997
		Renewal Due Date	23 Jul 2034
		Issue of Certificate Date	11 Feb 2015
Date of Legal Status	09 Apr 2015		

**Preliminary Search & Advice**

PSA Reference Number

PSA Case Number

**Contact**

Agent	Name	Agent Number	Address(es)
	Drewmarks Patents & Design (Malaysia) Sdn Bhd	MYA/2021/0010	9th. Floor, Bangunan Getah Asli, 148, Jalan Ampang Ampang 50450 WILAYAH PERSEKUTUAN KUALA LUMPUR (MY)
	Show / Hide columns		

Owner	Name	Agent Number	Address(es)
	Viacom International Inc.		1515 Broadway, New York, York 10036, (US)
	Show / Hide columns		

Correspondent	Name	Address	Town	Post Code	State	Country
	Drewmarks Patents & Design (Malaysia)	9th. Floor, Bangunan Getah Asli, 148,	Ampang	50450	WILAYAH PERSEKUTUAN KUALA	MY

Trademark No.	97010074	<b>1997 + 7 years = 2004 (New Act)</b> <b>Renewal</b> <b>2004 + 10 y = 2014</b> <b>2014 + 10 y = 2024</b> <b>2024 + 10 y = 2034</b>
Application date	23/07/1997	
Publication date	03/04/2014	
Registered date	23/07/1997	
Next Renewal date	23/07/2034	

### 11.13 Flowchart Renewal Process

