

CHAPTER 17

OTHER TOPICS: WITHDRAWAL & DEFERMENT

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17.1 WITHDRAWAL

17.1.1. Introduction

Withdrawal of a trademark application refers to the voluntary action by the applicant to discontinue or cancel their application for trademark registration, before the trademark is registered.

A withdrawal request application may occur for various reasons, including a change in business strategy, rebranding efforts, conflicts with existing marks, or mistakes made in the original application.

17.1.2. Procedure

An applicant may request to withdraw a trademark application or restrict the goods or services covered under the application by submitting a request using the prescribed form and fee (TMP1) -Sec 32(1) & [Reg 20(1)(2)]

17.1.3. Types of Withdrawal:

1. Withdrawal of the Application – Single & multi class
 - The application status will be updated to "Withdrawn" in the trademark system.
2. Withdrawal of Specific Classes – Multi class application
 - The application status remains unchanged. Only the classes requested for withdrawal will be removed from the application.

17.1.4 Withdrawal Process

Upon receiving a withdrawal request, the Registrar will conduct a verification process to ensure the request is submitted by:

- The same applicant, or
- An authorized agent as recorded in the original application.

Other details to be verified:

- a) Correct Application Number
- b) Clear indication of the class(es) to be withdrawn – whether application or some classes
- c) Reason for withdrawal
- d) Confirmation that the request is made by the original applicant or authorized agent
- e) Valid signature of the applicant or agent

If all details are in order, the Registrar will process the request and update the status in the trademark database:

- For full withdrawals, the application will be updated to “Withdrawn” and a standard withdrawal notice will be issued to the applicant.
- For class withdrawals (multiple-class applications), the specified class(es) will be removed, and the application status remains unchanged. Withdrawal notice will be issued to the applicant.

17.1.5. Recording of Withdrawal or Restriction by the Registrar- [Reg 20(4)]

Once the Registrar accepts an application for the withdrawal or restriction of goods or services in respect of a trademark application:

- The Registrar shall formally record the withdrawal or restriction in the official records.
- This record serves as an official acknowledgment that the application has been withdrawn, or that the scope of goods/services has been restricted, as requested.
- The applicant will be duly notified once the recordal has been completed.

17.1.6. Publication of Withdrawal or Restriction After Acceptance of Trademark Application

- Where the acceptance of a trademark application has been published under section 31, any notice of withdrawal or restriction of the goods or services specified in that application shall be published- Sec 32(4)

17.1.7. Revoke after withdrawal

Under sec 32 (5) any withdrawal or restriction shall not be revoked once it has been affected by the Registrar pursuant to the application submitted

17.1.8. Right to Oppose Restriction

Once a restriction of goods or services has been recorded by the Registrar under sub regulation 20(4) and published under subsection 32(4) of the Act, any person may file an opposition against the restriction.

17.1.9. Filing an Opposition

- A person who intends to oppose the restriction must file a notice of opposition with the Registrar
- This notice must be filed within two (2) months from the date of publication of the notice of restriction.
- The opposition must be submitted in the prescribed manner and format, along with any supporting documents required.

17.1.10 Sample of Withdrawal Form (TMP1) – Withdrawal of class

An application covers classes 10 and 9.
 The applicant files a TMP1 form to withdraw Class 10 only.
 → Class 10 will be removed from the application.
 → Application status remains unchanged. (Provisional Refusal-Objection)

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA TRADEMARKS ACT 2019 WITHDRAWAL OF APPLICATION		Fee Code TMP1								
Note: Please fill up all information require and attached related document if any.										
1	Application Number: IR No. 1802240 / MY TMA No. TM7 									
2	Details of Request a) Class(es) to be withdrawn <div style="margin-left: 20px;"> <input type="checkbox"/> All classes <input checked="" type="checkbox"/> Class(es) specified in the table </div> <table border="1" style="margin-left: 20px; width: 150px; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 30px;">10</td> <td style="width: 30px;"></td> <td style="width: 30px;"></td> <td style="width: 30px;"></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> b) Ground for withdrawal of application: <div style="margin-left: 20px;"> <input type="checkbox"/> After affirmative result of preliminary advice & search, the Registrar issued provisional refusal. Refund of fee of application for registration of trademark is also requested. <input type="checkbox"/> No longer using the trademark in business <input checked="" type="checkbox"/> Not interested to pursue the registration <input type="checkbox"/> Others – Please specify </div>		10							
10										
3	Name of Applicant (Please mark off box which is applicable) <div style="margin-left: 20px;"> <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> <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>									
4	Address of Applicant (Please mark off box which is applicable) <div style="margin-left: 20px;"> <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> <div style="margin-top: 10px;"> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="display: flex; justify-content: space-between;"> Postcode: Town: </div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> </div>									

TRADEMARK DETAILS

Disclaimer: The information available is not intended to be comprehensive information, Perbadanan Harta Intelekt Malaysia (MyIPO) shall not be liable to any consequences of errors or omissions.

Application number	: TM. [REDACTED]	Submission Date	: 01 Aug 2024
Int. Registration Number	: 1802240	Int. Registration Date	: 29 Mar 2024
Filed/Designation Date	: 29 Mar 2024	Publication date	:
Application status	: Provisional Refusal (Objected)	Registered/Protected Date	:
Date of Legal Status	: 05 Apr 2025	Date of Cert. Issued	:
Type of Registration	: Trademark	Expiry date:	:
Nature of Mark:	: Stylized Word Mark	Under opposition:	: No
Standard Characters:	: No		
Priority	:		
Nice classification version	: 12		

Applicant:

1.1.4. Masyarakat: Masyarakat madani, Tojoma-dani
Tojuma 688 2000 Tojan

Correspondence Address:

Default Address: Tm 8, Dardosa 6th Floor, Plaza
Seri May Chang, Jalan Raja Chulan, Wilayah
Persekutuan, Kuala Lumpur 50200, Malaysia

Denomination: nitto medic

Mark:



17.1.11 Sample of Withdrawal Form (TMP1) – Withdrawal of Application

An application is a single application in class 44

The applicant files a TMP1 form to withdraw the application.

→ Application status change to withdrawn

<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Fee Code TMP1 </div>										
INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA TRADEMARKS ACT 2019 WITHDRAWAL OF APPLICATION										
<p><small>Note:</small> Please fill up all information require and attached related document if any.</p>										
1	Application Number: TM/ 									
2	Details of Request a) Class(es) to be withdrawn <div style="margin-left: 20px;"> <input type="checkbox"/> All clases <input checked="" type="checkbox"/> Class(es) specified in the table 44 </div> b) Ground for withdrawal of application: <div style="margin-left: 20px;"> Reason to apply was for dewan bahasa approval, hence there is no need to continue with trademark process from our end. </div>									
3	Name of Applicant (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 <div style="margin-left: 20px;"> <small>[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]</small> </div> <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>									
4	Address of Applicant (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 <div style="margin-left: 20px;"> <small>[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]</small> </div> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>									
5	Agent <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 5%; text-align: center; padding: 2px;">a</td> <td style="padding: 2px;">Name:</td> <td style="border-bottom: 1px solid black; width: 60%;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">b</td> <td style="padding: 2px;">Agent Code (if known)</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="text-align: center; padding: 2px;">c</td> <td style="padding: 2px;">Agent's Reference</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table> <div style="margin-top: 5px;"> <small>Note: Fee of RM20 (Fee Code TMR7) will be charged if the agent is newly appointed</small> </div>	a	Name:		b	Agent Code (if known)		c	Agent's Reference	
a	Name:									
b	Agent Code (if known)									
c	Agent's Reference									

TRADEMARK DETAILS	
<p>Disclaimer: The information available is not intended to be comprehensive information, Perbadanan Harta Intelek Malaysia (MyIPO) shall not be liable to any consequences of errors or omissions.</p>	
Application number	: TM [REDACTED]
Application Date	: 17 Jan 2024
Legal Status	: Withdrawn
Date of Legal Status	: 23 Aug 2024
Nature of Mark	: Word & Figurative
Type of Registration	: Trademark
Transliteration	:
Translation	:
Disclaimer/Condition	:
Applicant:	Correspondence Address:
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Denomination: V	
Mark:	
<p>Mark Description: No color claim Color Condition: Classes and list of Goods and Services: Class 44 Ayurveda therapy; Ayurvedic therapy; Thai massage; Thai massage services.</p>	

17.1.12 Unsuccessful Withdrawal Requests

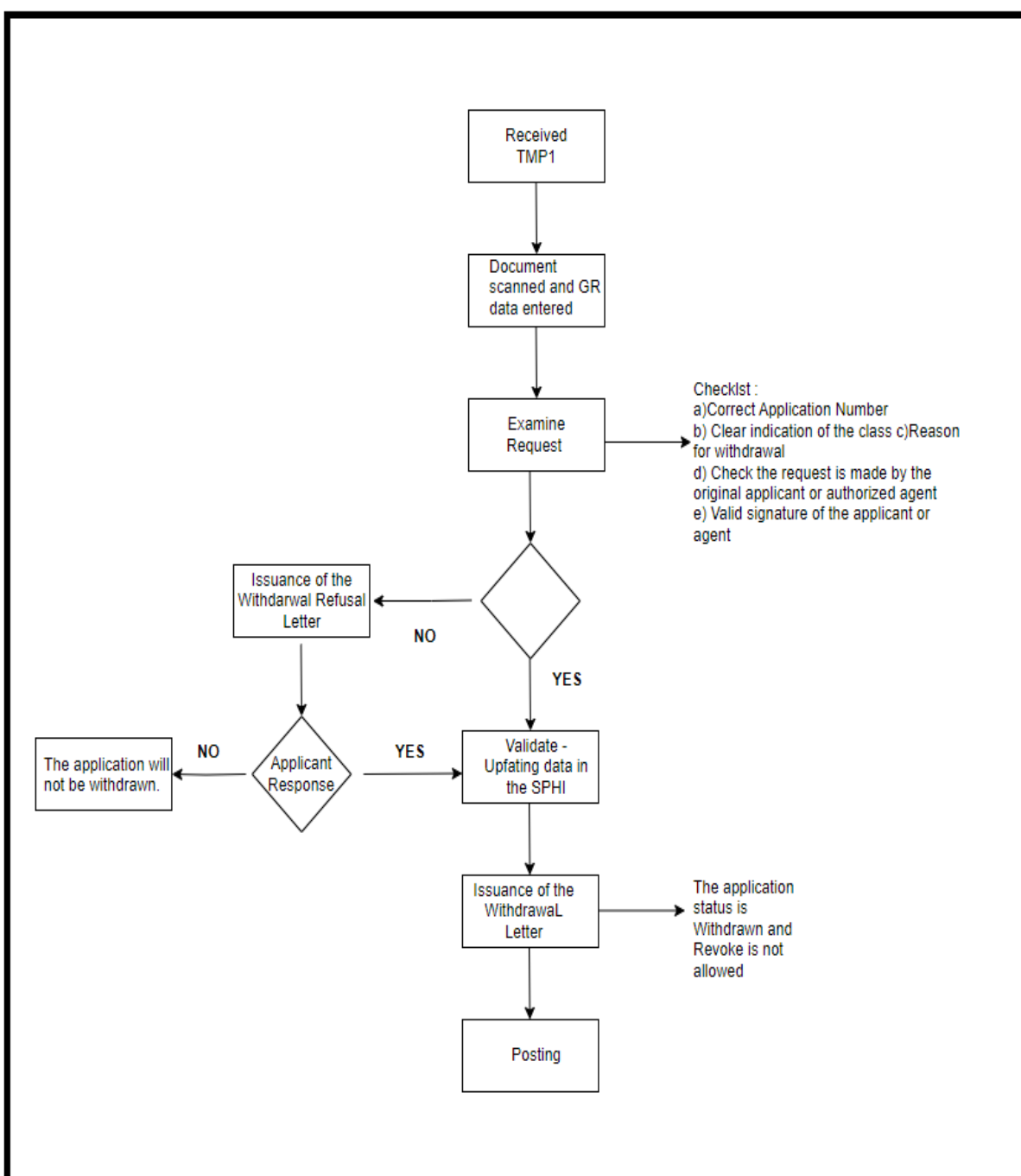
A withdrawal request may be refused in the following circumstances:

- The signatory is not the applicant or an authorized agent named in the application.
- The class number or application number provided is incorrect or missing.
- The form is incomplete, unsigned, or submitted without the required fee.
- The request is filed after the trademark has been registered.

Example :

If an applicant submits a TMP1 form to withdraw an application after the mark has been registered, the Registrar will object the request because withdrawal is only allowed prior to registration. The applicant is advised to file TMF1 to cancel the Registration.

17.1 14 Complete Workflow for Trademark Withdrawal Process is provided in the flow chart below.



17.2 DEFERMENT

17.2.1. Introduction

Deferment of a trademark refers to a temporary suspension or postponement of any action or decision by the Registrar on a trademark application.

This is usually requested by the applicant under specific circumstances, such as when there is an ongoing court proceeding related to the trademark.

17.2.2. Deferment period

A deferment allows the applicant additional time—typically up to six (6) months—to resolve external issues, such as litigation or opposition, before the Registrar proceeds further with the examination or decision process. If more time is needed, a new deferment request must be submitted.

17.2.3. Procedure

The deferment must be formally requested using the prescribed form (e.g., Form TMP2) and accompanied by supporting documents like an originating summons.

Additional deferments may be requested if more time is needed, but each must be applied for separately and justified.

17.2.4. Reason for deferment

The Registrar may allow deferment only if:

- (a) there is an ongoing court case related to the trademark application by the applicant; or
- (b) there is an ongoing court case involving opposition to the applicant's trademark application.

17.2.5 Deferment Process

A verification is conducted to ensure that the reason provided for the deferment request is acceptable, by reviewing the originating summons submitted by the applicant.

If the details are in order, the deferment application will be accepted, and the status of the application will be updated to "Deferment (Examination)". A standard notice will then be generated and sent to the applicant.

If the applicant does not file a new deferment request after the first deferment period of six months ends, the status of the application will change to 'Provisional Refusal (Objected)', which is the application current status.

17.2.6 Example of Deferment of Trademark Application Examination

- Applicant: Wise Payment Limited
- Trademark Application: – "WISE"
- Cited Mark: Registered trademark – "WISE Savings Account ", owned by Public Bank Berhad

Issue:

The Registrar has notified the Applicant that the registered trademark 'WISE', owned by Public Bank Berhad, has been cited as a conflicting mark and constitutes a barrier to the registration of the Applicant's trademark 'WISE'."

Applicant's Action:

Wise Payment Limited is of the view that the trademark " WISE Savings Account "is no longer in use by Public Bank Berhad and has filed a revocation application for non-use under Section 46(1)(a) of the

Trademarks Act 2019 at the High Court of Kuala Lumpur via Originating Summons No. WA-24IP-1-01/2022.

17.2.7 Deferment Application:

The Applicant submitted a request for deferment of examination (Form TMP2) to MyIPO on the grounds that the outcome of the revocation proceedings before the High Court will have a direct impact on the trademark application.

In the letter to the Registrar, the Applicant stated:

"We believe that the decision of the High Court in this matter will be a significant factor in determining whether the cited mark continues to be an obstacle to the registration of our trademark. Therefore, we respectfully request that the examination of our trademark application be deferred pending the outcome of the Court's decision."

17.2.8 Registrar's Decision:

MyIPO has approved the deferment request, and the status of the trademark application for 'WISE' has been deferred.

17.2.9 Sample of Defferment Form (TMP2)

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA TRADEMARKS ACT 2019 APPLICATION FOR DEFERMENT OF EXAMINATION OF AN APPLICATION OR OPPOSITION PROCEEDING		Fee Code TMP2
Note: Please fill up all the required information require and attached related document if any		
1	Status of the mark: <input checked="" type="checkbox"/> Application under examination <input type="checkbox"/> Application under opposition proceeding	
2	Application Number : TMi 	
3	Reasons for requesting deferment: [Tick off one or more boxes where applicable.] <input checked="" type="checkbox"/> there is an ongoing application in court relating to the application for registration of trademark; <input type="checkbox"/> there is an ongoing opposition proceeding relating to the application for registration of trademark; <input type="checkbox"/> any other circumstances. Please specify: <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div>	
4	Name of Applicant (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: 1.2em; width: 100%;"></div>	
5	Address of Applicant (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: 1.2em; width: 100%;"></div> <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="display: flex; justify-content: space-between; border: 1px solid black; padding: 2px;"> Postcode: Town: </div> <div style="border: 1px solid black; height: 1.2em; width: 100%;"></div>	

17.2.10 Complete Workflow for Trademark Deferment Process is provided in the flow chart below.

