

CHAPTER 2

FORMALITY EXAMINATION OF TRADEMARKS

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INTRODUCTION

The formality examination is the initial phase in the trademark registration process. This stage applies only to trademark applications that are under the Formality Validation status. At this initial stage, the Registrar will verify the documents and information submitted with the application. This includes ensuring that:

- All required information has been duly provided; and
- The application complies with the prescribed formal filing requirements.

(Chapter 1: Application for Registration provides detailed guidelines on how to fill in the trademark application form -TMA2)

If any irregularities are found, the applicant will have the chance to respond and correct them. The purpose is to confirm that the submission is complete and accurate, containing all necessary details.

2.1 FORMALITY EXAMINATION PROCEDURE

2.1.1. Formality Examination Checklist

No	Item
1	Fee
2	Conducting quality checks on data entry (Manual)
3	Application date
4	Applicant name
5	Applicant type
6	Applicant address – business & service address
7	Agent
8	Trademark type
9	Nature of mark
10	Representation of mark

11	Denomination
12	Colour condition/limitations
13	Priority date claimed information
14	Translation & Transliteration (not in Roman characters, or national language or English language)
15	Specification of goods/services
16	Draft rules documents (Collective & Certification Trademarks)
17	Description of trademark (Non-traditional Trademarks)
18	Applicant signature

2.1.2. Decision After Formality Examination

1. No Objection, proceed to Search & Examination

If the applications accepted at the formality examination stage, the application will proceed to the substantive examination, where the trademark's registrability will be based on factors such as distinctiveness, similarity to existing trademarks, and other criteria.

2. Provisional Refusal

If a trademark application does not comply with section 17 of the Act, or with regulations 7, 9, 10, 11, or 12, the Registrar will issue a written notice of provisional refusal. The status changed to Provisional Refusal (Formality)

Basically, there are two types of Provisional Refusal (formality), which is Formality Refusal and Formality Refusal G&S PDC

2.1.3. Time to response the Provisional Refusal - [Reg 14(1)]

The applicant must respond the non-compliance/or make the required payment within two months from the date of Provisional Refusal

But for applications with incomplete translation and transliteration, or where the draft rules document is not submitted (certification and collective trademark), the applicant is required to complete the application within two (2) months from the date of filing.

2.1.4. Decision after response Provisional Refusal (Formality)

The Registrar has the discretion to either accept or reject the applicant's response to the written notice- [Reg 14(2)]

1.No Objection, proceed to search & examination

If the response to the provisional refusal accepted by officer, the application will be accepted and forwarded to the substantive examination section for further examination.

2. Total Provisional Refusal

If the response to the provisional refusal is not accepted by the Registrar, a Total Provisional Refusal will be issued, and the application status will be updated to Refused. The applicant will be informed of the decision in writing in accordance with Regulation 15(1).

3. Request Ground of Decision

The applicant may, within two months from the date of being notified of the decision of the Registrar, file a request for the written grounds of such decision accompanied by Form TMC2 along with the prescribed fee-[Reg 15(2)].

No extension of time allowed at this stage.

4. Preparation of Grounds of Decision

The officer shall prepare the Grounds of Decision based on the Total Provisional Refusal.

5. Appeal To Court

The applicant may file an appeal to the court within one (1) month from the date the grounds of decision are issued by the Officer.

An extension of time of up to two (2) months from grounds of decision may be granted. The application status will be updated to Appeal to Court (Formality).

2.1.5 Extension of Time for Provisional Refusal Formality- [Reg 14 (4)]

The applicant may request a one (1) month extension of time by submitted a formal request to the Registrar, accompanied by form TMK1 and TMK3 together with the prescribed fee - [Reg 59] before the deadline to correct/comply to the non-compliance or make payment.

In cases where the draft rules document is incomplete, the applicant may apply for a two (2) month extension of time by submitting a formal request to the Registrar. The request must be accompanied by form TMK1 and Form TMK3, along with the prescribed fee.

2.1.6 New filing date - [Reg 14(5)]

If the applicant corrects the non-compliance or makes the payment within the extended period (EOT period), the Registrar will assign a new filing date for the trademark application. The new filing date will be the date the issue was corrected or the payment was made (This

provision applies only to T&T cases and to collective or certification mark applications where draft rules have not been submitted).

2.1.7. Failure to provide required details/make payment

Failure to correct/comply the non-compliance issued by the officer within two (2) months from the Provisional Refusal date will result the application being deemed withdrawn- [Reg 14(3)]

2.1.8. Reinstatement after withdrawn

Where an application is deemed withdrawn under section 17(1), 26(5), or 35(4) of the Act, the applicant may request for reinstatement within two (2) months or any time as directed by court from the date on which the application was deemed withdrawn-Para 62(2) GTM 2019

To apply for reinstatement, the applicant is required to:

- Submit the prescribed form (TMQ1) along with the prescribed fee;
- File an Extension of Time (EOT) request, if applicable;
- Provide a statutory declaration that includes:
 - o A detailed explanation of the circumstances;
 - o The reasons for the failure to comply within the prescribed time frame;
 - o Justification supporting the request for reinstatement; and
- Submit any outstanding documents, information, or amendments as requested by the formalities officer (in response to the Provisional Refusal letter).

2.1.9 Grounds for consideration by the Formality Officer:

1. The failure to respond was unintentional

In this context, the applicant must show their intention to comply with the regulations, but the failure occurred due to human error, technical issues, or due to situations beyond their control.

Examples:

a) Technical issues:

The applicant attempted to submit documents via the e-filing system on the final day of the filing deadline. However, a system disruption occurred, and the submission failed. The applicant has evidence that an attempt was made.

- This happened by accident because of unexpected technical problems.

b) Health problems or disasters:

The applicant failed to pay additional fees for the trademark application because they were hospitalized due to an accident and had no representative available to handle the matter within the prescribed time.

- This is also considered unintentional, due to factors beyond the applicant's control.

c) The applicant claimed that no notification was received from the office. Upon reviewing the mail handling records, the officer was unable to confirm whether the letter had been posted. The applicant had also unintentionally failed to check the status of the application before the deadline stated in the letter. Therefore, the officer may approve the reinstatement for the applicant.

2. Outstanding documents/information/amendments required must be submitted together with the reinstatement request.

Example:

An applicant failed to submit a copy of “translation and transliteration “document within the prescribed time and the application being deemed withdrawn. Upon realizing the mistake, the applicant submitted a reinstatement request.

- The request must also be accompanied by the missing translation and transliteration document.

Registrar’s Decision

Where a request is submitted the Registrar shall permit the reinstatement unless there are valid and sufficient grounds to refuse the request- [Para 62 (3)], GTM 2019.

2.1.10 Approval of Reinstatement

If the reinstatement is granted, the Registrar will issue a public notice confirming that the application, right, or matter has been reinstated – [Para 62(4)], GTM 2019

The filing date of the application will be amended to reflect the date on which the missing document or information was submitted.

2.1.11 Example of Statutory Declaration for Reinstatement

I, [Full Name], (NRIC No.: _____), of [Full Address], do hereby solemnly and sincerely declare as follows:

I am the applicant in respect of Trademark Application No.: _____ for the mark _____, filed on _____ (date of filing).

I make this declaration in support of my request for reinstatement / to respond to the provisional refusal/rejection dated 4 February 2025, which was not received by me.

I confirm that I did not receive any communication or notice regarding the said provisional refusal/rejection from the Trademark Office. Consequently, I was unaware of the issuance of such notice until 23 April 2025, when I checked the status of my application through the Trademark Office portal.

The failure to respond to the provisional refusal within the prescribed time period was neither intentional nor due to negligence, but was solely caused by the non-receipt of the notice.

I therefore respectfully request that the Trademark Office accept this explanation and allow the reinstatement and continuation of my trademark application, including the submission of a response to the provisional refusal/rejection.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1960.

Declared at: _____

This _____ day of _____ 2025

Before me,

.....
(Signature of Declarant)

.....
(Signature of Commissioner for Oaths / Notary Public)

2.2. DETAILED EXPLANATION ON ISSUES REVIEWED DURING FORMALITY EXAMINATION

This section provides a detailed explanation of the issues or items that are reviewed during the formality examination process. Each item is examined to ensure compliance with formal requirements as prescribed under the relevant legislation and regulations.

The examination focuses on the completeness, accuracy, and compliance of the application and its accompanying documents.

2.2.1. Application of registration of trademarks-Fee

To register a trademark, an application shall be submitted using the form determined by the Registrar, within the specified timeframe, and accompanied by the prescribed fee – (Sec 17(2))

During the formality examination, several fees must be ensured to be sufficient. The total payment information will be obtained by referring to the payment data, either manual or online. Several types of fees will be verified, including the application fee, series of trademark fee, appointment of agent's authority fee, draft rules filing fee and other related fees.

2.2.1.1 Application Fee

There are two types of fees for trademark registration: RM950 for pre-approved goods and RM1100 for non-pre-approved goods. The formality officer must ensure that the submitted fee is sufficient. This fee verification is done by checking whether the goods applied for are from the pre-approved list or not.

If the applicant submits a payment of RM950, the formality officer must ensure that all the goods/services applied for are from the pre-approved list. If there are any goods/services from the non-pre-approved list, an additional fee of RM150 (form TMQ9A) is required. (For the pre-approved listing, goods/services updated in the system will appear in black, while for the non pre -approved listing, they will appear in red)

Failure to make the additional fee payment within two (2) months from the date of the provisional refusal letter shall result in the removal of the non-pre-approved goods from the application by the Registrar/ deemed withdrawn- (Sec 17 (4))

2.2.1.2 Guideline for verification of application fee

1. Review type of specification of goods/services

- a) Check whether the specification of goods/services is from the pre-approved specification list or a non pre -approved listing.
- b) Applications using non pre -approved specifications require an additional fee.

2. Verify number of classes

- a) Determine how many classes are included in the application.
- b) Each class requires a separate fee.
- c) Verify that the correct fee has been submitted based on the number of classes
- d) Confirm fee payment

4. Action required

- a. Notify the applicant of the top up fee.

2.2.1.3 Fee of series

An application for the registration of a series of trademarks may be submitted in a single filing, provided that the series contains no more than six trademarks - [Reg 38(1)]

Where the application includes two or more trademarks within the series, a prescribed fee shall be payable for each individual trademark included- [Reg 38(2)]

For a series trademark application, the formality section must ensure that the series fee (TMA2C – RM50 per series) is included. If the fee is not provided, it must be requested from the applicant.

2.2.1.4 Guideline for verification fee of series

1. Check for series of trademarks
2. Review the application to determine if the representation consists of a series of trademarks or not

I. Verify fee payment

If the application includes a series of trademarks, ensure that the series fee has been duly submitted.

II. Action required

Notify the applicant of the missing series fee.

2.2.1.5 Agent's address fee/services of address

The officer must ensure that the agent appointment form and the corresponding fee (Form TMR7 with the prescribed fee) are duly submitted in the following circumstances:

- a) Applications submitted through the services of an agent

- b) For trademark applications that use a service address different from the business address

2.2.1.6. Filing Rules for certification/collective fee

For certification or collective trademark applications, it must be ensured that the filing rules fee -TMA3 (RM300 per class) is submitted together with the document of rules.

2.2.2. QUALITY CHECKING FOR DATA ENTRY (MANUAL APPLICATION)

All manually entered data must be consistent and accurate with the information provided in the application form. The formality officer will review/checking the data entry process by comparing the information in the manual trademark application form with the data updated in the system. If any discrepancies are found, the officer will make the necessary corrections.

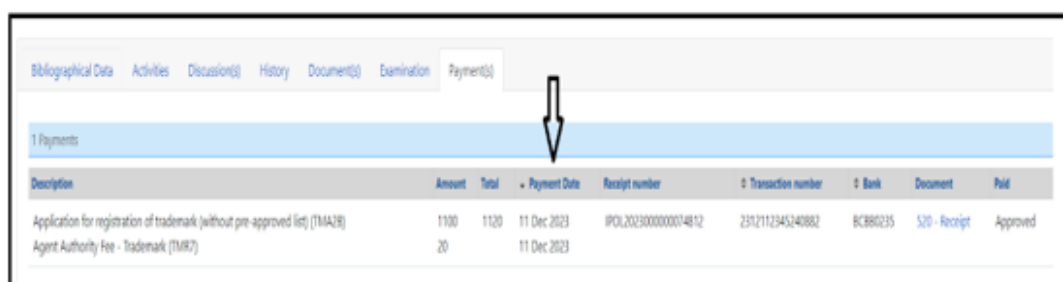
2.2.3. APPLICATION DATE:

For National application, the submission date and application date must be based on the payment receipt date.

Example:



Case Data			
Client Reference	V/B/VAR/BLLUE SANITARY WARE/362	Submission Date	12 Dec 2023
Status	Registered	Filed/Designation Date	11 Dec 2023
Application Number	XXXXXXXXXXXXXXX	Acceptance Date	27 Jun 2024
Application Type	National Trade Mark	Publication Date	04 Jul 2024
Journal Name	25_2024		



1 Payments									
Description	Amount	Total	Payment Date	Receipt number	Transaction number	Bank	Document	Paid	
Application for registration of trademark (without pre-approved list) (TMA2B)	1100	1120	11 Dec 2023	IPOL2023000000004812	2312112345240882	BCB60235	520 - Receipt	Approved	
Agent Authority Fee - Trademark (TMR7)	20		11 Dec 2023						

- Bibliographical Data:

Submission Date	12 Dec 2023
Filed/Designation Date	11 Dec 2023

- Payment Data (Based on TMA2A and TMR7):

Application for registration of trademark (pre-approved list) (TMA2A)	Payment Date
Agent Authority Fee - Trademark (TMR7)	11 Dec 2023

- As the payment was made on 11 Dec 2023, the formality officer must amend the submission date to 11 Dec 2023, in accordance with the payment date.

2.2.4. The Applicant's Name And Type:

In an application for a trade mark, the applicant must be identified correctly including the full legal name and appropriate legal entity type (e.g., individual, company, partnership).

The officer must ensure: -

- a) If the applicant is an enterprise (sole proprietorship or partnership), the name(s) of the owner or partner(s) must be stated in the form: -
“Fairos Asnani Binti Adnan trading as Cocoteen Enterprise”
“Khor Chooi Ling and Seo Li Hoon trading as Celine Enterprise”

Example of non- compliance: - Applicant Data:

Full Name :	Wanalif Enterprise
Applicant type :	Enterprise
Company Registration :	1505926-K

In this case, the applicant is required to provide a copy of the company registration certificate together with the personal information of the company owner.

The applicant's name must correspond with the applicant type /entity for example:

- 'Sheikh Mohd Rafizal bin Ali Shekh', the applicant type should be selected as 'Individual'.

- 'Motorola Trademark Holdings, LLC', the applicant type should be selected as 'Company'.

- Lembaga Hasil Dalam Negeri Malaysia (LHDN) the applicant type should be selected as “Statutory body”

- Persatuan Seni Gayong Tradisi Negeri Selangor; the applicant type should be selected as “Associations

Example of non-compliance: - Applicant data:

Full Name:	Syazwani binti Sanusi
Applicant type:	Company
Company Registration:	1505926-K

In this case, the applicant is requested to clearly specify the actual applicant, whether it is 'Syazwani binti Sanusi' or the company.

Example of non-compliance: - Applicant data:

Full Name:	Sri Rasa Sdn Bhd
Applicant type:	Individual

In this case, the applicant is requested to clearly specify the actual applicant, whether it is “Sri Rasa Sdn Bhd or individual

2.2.5. Applicant Address (Business address)

- Ensure the applicant provide a complete and accurate business address
- The address used must be the registered business address or the official location where business operations are conducted.
- If the applicant is a foreign company, the business address must not be stated as an address in Malaysia.

Example of non-compliance: -

a Full Name:	BRIGHT INNOVATIONS PTY LIMITED
b Applicant type (Specify whether Person/individual, body corporate, partnership, LLP, association/body authority or Other)	Company
c Company Registration No. (For company or businesses registered in Malaysia only)	
d Business Address • If the address is not within Malaysia, you must also complete section 7 below • If you want to use address other than business address, please also complete section 8	Unit B-3A-10, Menara Vista, Jalan Teknologi 2/1, Kota Damansara, 47810 Petaling Jaya, Selangor Malaysia

The business address provided must be the applicant's address in Australia, as the applicant is a company incorporated in Australia.

2.2.6 Address of services

- The address for service may be the same as the business address. If the business address and service address are different, the applicant must submit Form TMR7 along with the prescribed fee.
- Example of non-compliance:

Full name:	Dj Catering Sdn Bhd
Business address	Suite 25.03A, Level 25, Johor Bahru City Square Officer Tower, 106-108 Jalan

	Wong Ah Fook, 80000 Johor Bahru
Address of services	2, Jalan Perusahaan Tiga, Batu 20, 48000 Rawang Selangor.

In cases where the business address and the address for service are different, the applicant must submit Form TMR7 along with the prescribed fee. The Formalities Officer will issue a provisional refusal letter directing the applicant to submit the form.

- Every application filed in Malaysia (with the exception of International Registrations Designating Malaysia (IRDA)) must include details of an address for service in Malaysia (National application- local or foreign application)
- As a general practice, the address for service should be the applicant's own address. In situation the applicant is represented by an agent (e.g. a solicitor), the address for service must be that of the authorised agent-[Sec 151 (7)]

2.2.7. Agent

- Verify the trademark application requires the appointment of an agent, based on the applicant's status as either a local or foreign party and make sure the agent is the Registered agent. The officer must raise a query if it is found that a foreign applicant is not represented by an agent.

Example of non-compliance: -

Full Name:	Sinau International Pte Ltd
Business address	105 Cecil Street, #24-02, The Octagon, Singapore 069534 (Sg)
Address of services	Suite 25.03A, Level 25, Johor Bahru City Square Officer Tower, 106-108 Jalan Wong Ah Fook, 80000 Johor Bahru.

In the example above, the applicant is a company based in Singapore. Therefore, the address for service must be an address located in Malaysia. As the applicant is a non-local company, it is required to appoint an agent with a valid address in Malaysia for the purpose of receiving official correspondence. The applicant must submit Form TMR7 along with the prescribed fee.


2.2.8. Trademark Type:

- The officer must ensure that the type of trademark selected by the applicant is correct_with the representation and details submitted.
- Example non-compliance case: -

1	APPLICANT	
a	Full Name:	ECO BEE SHOP SDN BHD
b	Applicant type (Specify whether Person, Registered Company/LLP, Partnership, Trust or Other)	Company

4	TYPE OF TRADEMARK	
i.	<input type="checkbox"/> Trademark	
ii.	<input checked="" type="checkbox"/> Collective Mark	
iii.	<input type="checkbox"/> Certification Mark	

5	NATURE OF TRADEMARK [Tick off one box only. You may tick more boxes if item no. xii is applicable]	
<input type="checkbox"/>	i.Word	Please Type the trademark here:
<input checked="" type="checkbox"/>	ii.Device	Please attached or affixed the trade mark in the box in Section 6
<input type="checkbox"/>	iii.Combination of Word and Device	Please type the word trademark here and attached or affixed the trade mark in the box in Section 6

	
<p>Note: 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>

Based on the details submitted, the application is filed under the name of a company. However, the type of trademark indicated is a collective mark. A collective mark is not appropriate in this context. The applicant of the collective mark must be association

The applicant is therefore is advised to amend the application to a standard trademark.

2.2.9. Nature Of Mark:

Ensure that the “Nature of Mark” selected by the applicant corresponds accurately with the representation submitted.

2.2.10. Colour Condition

Make sure the applicant fulfill any colour requirements if the representation of the mark is limited to specific colours.

The formality officer must update/make sure the colour condition/limitation with the appropriate statement:

“The trademark is limited to the colours as shown in the representation on the application form” or,

“The first trademark in the series is limited to the colours as shown in the representation on the application form”, particularly in the following circumstances:

a) The trademark is applied for as a series, and the distinguishing feature among the marks in the series is the colour;

b) The representation of the trademark indicates that it is limited to specific colours.

2.2.11. The representation in colour, without colour limitation

If the trademark is submitted in a colour but not limited to colour, ensure that the word “no claim colour” is clearly updated/stated in the description

2.2.12 Representation of Trademarks

2.2.12.1 Clear and Durable Representation of the Trademark-[Reg 9(1)]

- The applicant must submit a clear and durable graphical representation of the trademark when filing the application
- This representation must adequately illustrate the trademark to allow proper examination and registration.

2.2.12.2 Provisional Refusal by the Registrar- [Reg 9(2)]

If the Registrar finds that the representation does not clearly show all necessary details of the trademark or does not allow for proper examination, a Provisional Refusal will be issued.

The Registrar will request the applicant to submit additional materials within a specified timeframe.

These may include:

- a) A revised version of the trademark (e.g. a single or multiple views) to better illustrate the mark;
- b) A written or verbal description of the trademark, especially when the graphical representation is insufficient;
- c) Any other supporting information necessary for examination.

2.2.12.3 New Representation Requirement- [Reg 9(3)]

In the situation the Registrar is not satisfied with the submitted representation, a Provisional Refusal may be issued.

The applicant may be required to file a new acceptable representation by submitting Form TMB5A and paying the prescribed fee.

The representation may be replaced without amending the trademark itself, in accordance with Section 33 of the Trademarks Act 2019.

2.2.13.4 Failure to Respond- [Reg 9(4)]

Failure by the applicant to respond to the Provisional Refusal within the given time will result in the application being deemed withdrawn.

This means the application will be discontinued and will not proceed to registration.

2.2.13.5 Formality Requirements for Representations

The following are formality requirements for trademark representations:

- i. A graphical representation shall be submitted at the time of application where the nature of the trademark is classified as “combined”, “figurative”, or “stylized word”.

Example non-compliance case: -

4 TYPE OF TRADEMARK <input type="checkbox"/>		
i. <input checked="" type="checkbox"/> Trademark ii. <input type="checkbox"/> Collective Mark iii. <input type="checkbox"/> Certification Mark		
5 NATURE OF TRADEMARK [Tick off one box only. You may tick 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 trade mark in the box in Section 6
<input checked="" type="checkbox"/>	iii. Combination of Word and Device	Please type the word trademark here and attached or affixed the trade mark in the box in Section 6

6 THE TRADEMARK (a) Representation of the trademark in black & white (b) If color/s is/are claimed represent the trademark in color.	
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>	
Color or combination of colors claimed and indication of the parts of the mark in color:	
<p>Note: the size of the representation of the mark shall be more than 2cm x 2cm and not more than 10cm x 10cm.</p> <p>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</p> <div style="border: 1px solid black; width: 100px; height: 20px; float: right;"></div>	

The nature of the mark is a combination of word and device; however, no representation has been submitted. The applicant is requested to provide a representation of the trademark during the formality examination stage.

- ii. The representation must be clear and legible

Example non-compliance case: -



- iii. Representations must not contain non-trademark elements, such as phone numbers, product weight, usage instructions, barcodes, or TM/® symbols. – As amendments to the trademark are not permitted, the application will be submitted to the Search and Examination Unit with a note.

Example non-compliance case: -



- iv. If the applicant claims colour as a limitation, a coloured representation must be submitted.
- v. Applications may be filed as a series of marks (Refer to Sec 21, Trademarks Act 2019).
 - The applicant must submit all marks in the series (max of six).

- vi. The number of marks submitted must match the number claimed.
- vii. If the trademark includes a portrait of a person, the applicant must submit a letter of consent permitting the use of the portrait as a trademark (Section 23(5)). This requirement will not be raised during the formality stage, as Section 23(5) will be applied during the search and examination stage."



- viii. For Certification and Collective Trademarks, the applicant must submit an accurate representation that is suitable to the type of trademark being applied for.
- ix. Applications for non-traditional trademarks (e.g., sound, scent, motion) must fulfil all requirements as listed in the Seventh Schedule of the Trademarks Guidelines 2019.
 - (Refer to Chapter 1: Apply for a Trademark Application)

2.2.13.6 Denomination:

- Check for readable characters or letters. If the updated denomination in the system does not match the trademark, the formality officer will amend the denomination accordingly.

Example:



Mark Type	Trademark
Nature	Word & Figurative
Traditional	<input checked="" type="radio"/> Traditional <input type="radio"/> Non-traditional
Denomination	UNITED WORLD CHINESE ASSOCIATION (SOUTHEAST ASIA HUB)
Character Type	Roman Character
Denomination Translation	
Transliteration	
	<input type="checkbox"/> The words contained in the mark have no meaning and cannot be translated

Based on the case example above, the denomination of the word "SOUTHEAST" was mistakenly updated as "SOUTHEST". Therefore, the formality officer will correct the denomination error.

Example:



Mark Type	Trademark
Nature	Word & Figurative
Traditional	<input checked="" type="radio"/> Traditional <input type="radio"/> Non-traditional
Denomination	BELLASCHA
Character Type	Roman Character
Denomination Translation	
Transliteration	
	<input type="checkbox"/> The words contained in the mark have no meaning and cannot be translated

The updated denomination is incomplete. The correct denomination is "BS BELLASCHA". The amendment will be made during the formality examination

2.2.13.7. Description of trademarks (NTM application)

During the formality examination stage, it must be ensured that a description is submitted for applications involving non-traditional trademarks.

If no description is provided, a Provisional Refusal will be issued, and the applicant will be required to file Form TMB1 along with the prescribed fee to submit the necessary description.

The accuracy and clarity of the submitted description will be reviewed and determined during the search and examination stage.

2.2.13.8. Example of description for NTM

Shape Marks

- a) The trademark consists of the shape of a biscuit, as shown in the representations attached to the application form.*
- b) The trademark consists of the 3-dimensional shape of a rooster applied to the roof of a vehicle, as shown in the representations attached to the application form, where the vehicle itself is represented as dotted lines.*
- c) The trademark is a three-dimensional trademark, as exemplified in the representation.*
- d) The trademark is as shown in the representations attached to the application form.*

Color marks

- a) The trademark is the colour PURPLE depicted in the representation attached to the application form being approximated by reference PMS 2685C in the Pantone Colour Formula Guide and used in relation to the designated goods.*

- b) The trademark consists of the colour GREEN, specifically identified as PMS 348C, applied to the cap of a container as shown in the representations attached to the application form.*
- c) The trademark is a colour. It consists of the colours RED (specifically identified as PMS 032) and YELLOW (specifically identified as PMS 116), applied to packaging and advertising materials for fresh kiwi fruit as shown in the representations attached to the application form.*
- d) The trademark consists of the colour RED identified as PMS 032U applied in a single broad stripe to the fascia and doors of buildings. The colour and configuration of the trademark are shown in the examples attached to the application form.*

Sound marks

- a) The trademark consists of the sound of a soprano voice singing wordlessly to the tune represented in the musical score attached to the application. The trademark is demonstrated in the recording accompanying the application form.*
- b) The trademark consists of a repeated rapid tapping sound made by a wooden stick tapping on a metal garbage can lid which gradually becomes louder over approximately 10 seconds duration. The sound is demonstrated in the recordings accompanying the application.*

c) *The trademark consists of the sound of two steps taken by a cow on pavement, followed by the sound of a cow mooing (clip, clop, MOO) as rendered in the recording accompanying the application.*

d) *The trademark is a sound mark. It comprises the sound of dogs barking to the traditional tune "Greensleeves".* **"Scent marks"**

Scent marks

a) *The trademark is a scent mark. It consists of the smell of roses applied to plastic storage boxes for domestic purposes.*

b) *The application is a scent mark, consisting of the smell of apple blossoms applied to car tyres.*

c) *The mark comprises the strong smell of bitter beer applied to the flights of darts.*

2.2.13. TRANSLATION AND TRANSLITERATION - [SECT 17(3) & REG 12,]

2.2.13.1. Requirement at filing stage

If a trademark contains words or characters that are not in Roman letters, or not in the national (Bahasa Malaysia) or English language, the applicant must submit the following upon filing the application, unless otherwise directed by the Registrar [Reg12(1)]

- i) Translation – The meaning of the word translated into English
- ii) Transliteration – The phonetic pronunciation of the word, if applicable.

iii) Language Declaration – A statement identifying the language of the original word.

2.2.13.2. New Filing date

If the required translation, transliteration, or language declaration is not provided, on the date of filing, the filing date will be determined in accordance with [Reg 14(5)] - the date when all missing requirements are fulfilled

App Date	Provisional Refusal Date	Due Date For response	Apply EOT Date (1 month)	Response Date	New Filing date
15.1.2025	15.2.2025	15.04.2025	15.04.2025 until 15.05.2025	10.05.2025	10.05.2025

2.2.13.3 Registrar's Discretion

If the Registrar is not satisfied with the accuracy or validity of the translation or transliteration submitted, the applicant may be required to provide a certified or verified copy of the translation/transliteration [Reg12 (3)].

2.2.13.4 Consequences of Non-Compliance

If the applicant fails to provide the required translation or transliteration, the application will be deemed withdrawn and will not proceed to the next stage [Reg 12(4)].

2.2.13.5 Illustration of Non-Compliance

Scenario:

The mark includes Arabic script. The applicant submitted the English translation ("Peace") but did not provide a transliteration ("Salam").

Issue:

The application is incomplete because the required transliteration information is missing. A Provisional Refusal will be issued, and the applicant will be required to respond accordingly.

Example of non-compliance: -



8	OTHERS - Non-Roman letters and non-national language or English If the mark contains and consists of a word and words in non-Roman letters or in a language other than the national language or English, below information must be provided. (a) Language of the word or words belong to the mark contain or consist word or word other than the national language or English (please state the language): <u>Chinese Character</u> <input type="checkbox"/> Please tick off this box if the words contained in the mark have no meaning and cannot be translated. (b) Transliteration of the mark if it consists of or contains characters other than Roman characters or numerals: <u>Easy borrowing</u> (c) Translation of the mark into national language or English: <u>Easy borrowing</u>
----------	--

In the above case, the submitted translation and transliteration are incomplete, as no transliteration information has been provided.

2.2.13.6 Classification of goods or services – Reg 11 & Sec 19

Every trademark application must include the following for each class of goods or services: - [**Reg 11(1)**]

- a) A description of the goods or services.
- b) The appropriate class number.

The description of the goods or services must:

- a) Be appropriate for that class.
- b) Clearly describe:
 - The nature of the goods or services.
 - Allow the goods or services to be classified according to the system in the Third Schedule.

The classification of goods or services in the Third Schedule includes a pre-approved list. The applicant can choose a specification from this list- [Reg 11(2)]. An application can cover more than one class of goods or services. (multiple classes) - [Reg 11(3)]

If an application covers all goods or services in a class, the Registrar may refuse it. The applicant must prove that the trademark is used or will be used for those goods or services once registered- [**Reg 11(4)**]

When a trademark is registered, it will be classified according to the classification system in the Third Schedule that is in effect on the filing date of the application- [**Reg 11(5)**]

“specification” refers to the description of goods or services for which a trademark is registered or intended to be registered- **[Reg 11(6)]**

Goods or services will be classified for trademark registration according to a prescribed classification system. –(**Sec19**)

If there is a question about the class of any goods or services, the Registrar will decide- (Sec 19)

2.2.14. Formality requirements for the classification of goods/services for trademark registration are listed below.

- i. The appropriate class under the Nice Classification (NCL) must be stated for each group of goods or services.
- ii. The goods or services to be classified according to the system in the Third Schedule
- iii. The list of goods and services requested for trademark registration can be picked from the pre-approved listing and non-pre-approved listing.
- iv. Class headings are not allowed for Classes 5, 7, 9, 12, and 35
- v. Baby food/food supplements items cannot be mixed with poison goods in the same application, and will be objected to in accordance with Section 23(5).

At the Formality stage, if an application includes both food and poison, it will still be accepted to proceed to the Substantive Examination stage, as Section 23(5) is applicable and will be considered during the search and examination stage. Formality officer must remark in the file note column.

- vi.** The goods or services must be clearly described using specific and common terms.
- vii.** General or unclear terms such as "miscellaneous goods" or "all services" are not allowed.
- viii.** The specification should reflect the actual or intended use of the trademark in the applicant's business.
- ix.** The specification must be written in English (If the list of goods or services for a trademark application is submitted in Malay, it will be amended or updated into English.)
- x.** Do not repeat or listing the same goods/services under multiple classes.
- xi.** Items should be listing in a clear, organized, and numbered format, if required.
- xii.** In multi-class applications, the officer will review each class individually.

(The explanation of goods and services specifications will be explained further under the Chapter 4: Classification of goods and services)

2.2.15. Priority Claim

This section provides guidance on the requirements and procedures for claiming priority in a trademark application based on an earlier application filed in a Convention country or declared foreign country, in accordance with Section 26 and Regulation 10(1)-(6)

2.2.16. Claim to Priority

A person who has filed a Convention application is entitled to claim priority when applying for trademark registration in Malaysia, provided the application is for the same goods or services and is filed within six (6) months from the filing date of the earlier application – (Sec 26(1))

2.2.17. Priority Claim Requirement application

When claiming priority, the following information must be included at the time of filing or submitted within three (3) days from the filing date via a request to amend the application-TMB5A (accompanied by the prescribed fee) – [Reg10(1)]

2.2.18. Information Required for Claiming Priority Right

The applicant must provide the following information:

(a) Convention Country or Declared Foreign Country

- Name the country where the original (priority) application was filed.
- Provide the filing date of that application.
- If there is more than one priority application, give the filing date for each one.

(b) Goods or Services Covered by the Priority Claim

- List the goods or services for which priority is being claimed.
- The claim can be based on:
 - (i) Some or all of the goods or services in one priority application; or
 - (ii) Goods or services in more than one priority application.

2.2.19. Submission of Supporting Documents – [Reg 10(4)]

If the Registrar is not satisfied with the information provided, the applicant may be required to submit a certificate from the competent authority in the Convention or declared foreign country to verify:

- The filing date of the priority application.
- A representation of the trademark.
- The goods/services claimed in the earlier application.

Timeframe: The certificate must be submitted within two (2) months from the date of provisional refusal. Failure to do so will result in non-recognition of the claimed priority date – [Reg 10(5)]

2.2.20. Formality Requirements for Accepting Priority Claims

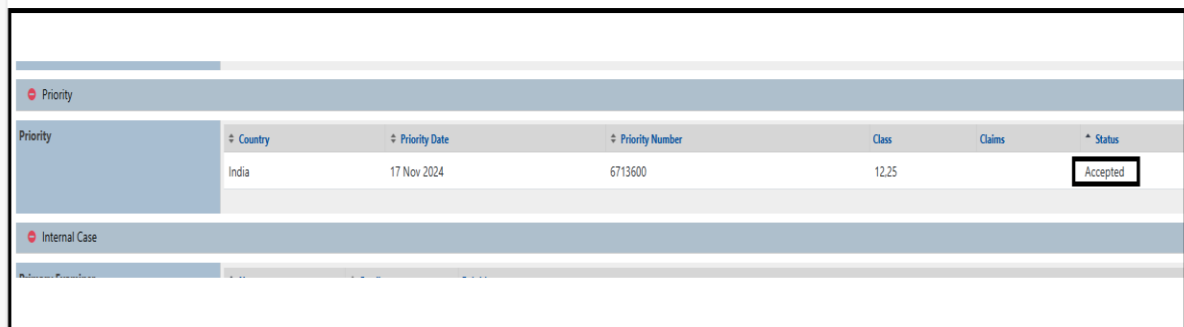
To meet the formality requirements, the following conditions must be fulfilled:

- a) The name and address of the applicant and the trademark representation in the priority application must be similar to the Malaysian application.
- b) The Malaysian application must be filed within six (6) months of the filing date in the priority country.
- c) The goods/services claimed in the Malaysian application must not be broader than those claimed in the priority application.
- d) Any priority date claimed under Sections 26, 27, or 28 of the Trademarks Act 2019 does not alter the filing date of the Malaysian application, except for search purposes under Sec 29(2)

e) An applicant may file more than one priority claim, provided all claims meet the relevant requirements.

Once the IPDC information is complete and accepted at the formality stage, the status of the IPDC application will be updated to "Accepted". If it is not accepted, the status of the IPDC will be refused.

Example:



Priority	Country	Priority Date	Priority Number	Class	Claims	Status
	India	17 Nov 2024	6713600	12.25		Accepted

2.2.21. Signature:

Ensure that the application form is duly signed by the agent or the applicant. In cases involving multiple applicants, the form must be signed by all applicants (e.g. Applicant: Wong Yean Fong & Foong Siew Chin) -Para 59 GTM 2019

Example of non-compliance; -

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA TRADEMARKS ACT 2019 APPLICATION FOR REGISTRATION OF TRADEMARK		
<p>PSA Reference Number (if any):</p> <p>Fee for this request is for each class. Please indicate number of classes requested: 1</p> <p>Application for registration of trademark – by adopting from pre-approved list (Fee Code TMA2A)</p> <p>Application for registration of trademark – without adopting from pre-approved list (Fee Code TMA2B)</p> <p>Series of trademark (Fee Code TMA2C)</p>		
1	APPLICANT	
a	Full Name:	MOHAMAD NADZRIN SHAFIQ BIN ABD MAJED, WPP RESOURCES
b	Applicant type (Specify whether Person, Registered Company/LLP, Partnership, Trust or Other)	Individual, Partnership
c	Company Registration No. (For company or businesses registered in ...)	960818085871, RA011881-A

13	DECLARATION OF GOOD FAITH AND SIGNATURE
<p><input checked="" type="checkbox"/> By Person Filing the Form</p> <p>The applicant claims to be the bona fide proprietor of the trademark and he is:</p> <p>(a) using or intends to use the trademark in the course of trade; or</p> <p>(b) authorized or intend to authorize another person to use the trademark in the course of trade.</p> <p>And I, the undersigned, do hereby declare that the information furnished above is true to the best of my knowledge.</p> <p><input type="checkbox"/> By Agent (An agent signing this Form on behalf of the applicant shall satisfy himself as to the truth of the declaration)</p> <p>I, the undersigned, do hereby declare that:</p> <p>i I have been duly appointed and authorized to act as an agent on behalf of the person(s) filing this form.</p> <p>ii the information furnished above on behalf of the person(s) filing this form is true to the best of the applicant(s)' knowledge.</p> <p>iii I have been authorized to inform that the applicant is 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.</p> <p>I understand and accept that I cannot make any substantive changes to the trade mark(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).</p> <p>Digitally Signature by: <u>WPP RESOURCES</u></p> <p>Name of signatory: <u>WPP RESOURCES</u></p> <p>Official capacity of signatory: <u>Applicant</u></p> <p>(Examples: Authorized person, Director, Partner or Principal Officer of Applicant(s)/ Agent)</p> <p>Date: 30 December 2024</p>	

For the above-mentioned application, the applicant consists of both an individual and an enterprise company. It was found that only the company has signed the application form. Therefore, the officer is required to request the individual applicant to complete the signature on the application form.

2.3. DRAFT RULES FOR CERTIFICATION AND COLLECTIVE TRADEMARKS

2.3.1. Submission Requirement

The applicant must submit the rules governing the use of a collective or certification mark to the Registrar within two (2) months from the application date. This submission must be accompanied by the prescribed fee, in accordance with subparagraph 5(1) or 5(3) of the First or Second Schedule to the Act - [Reg 53 (1)]

2.3.2. Failure to Submit

If the applicant fails to submit the rules within the stipulated time, the application will be deemed withdrawn as per [Reg 53(2)].

2.3.3. Extension of Time

The applicant may request an extension of time, allowing for an additional two (2) months to submit the rules, in accordance with Reg [53(2)].

2.3.4. Effect of Late Submission

If the rules are submitted within the extended period, the Registrar shall assign a new filing date, which will be the date on which the rules was filed, as stated under [Reg 53(2)].

Illustration:

App Date	Provisional Refusal Date	Due Date For response	Apply EOT Date (2 month)	Response Date	New Filing date
01.06.2025	10.07.2025	10.09.2025	08.09.2025 until 08.11.2025	05.11.2025	05.11.2025

2.3.5. Draft rules document

When applying for a certification or collective mark, the applicant must submit the document of rules.

During formality examination for collective /certification application, the officer must make sure:

1. The applicant for the collective/certification mark is acceptable
 - The applicant for collective – only association may apply which also includes club, trade union and society
 - The applicant for certification - Standards organisations (e.g., ISO bodies), Government regulatory agencies, Industry associations (not directly involved in producing or selling the goods)
2. Ensure that the draft rules document is submitted together with the payment of the TMA3 fee.

2.3.6. Examination of Draft Rules document (TMA3)

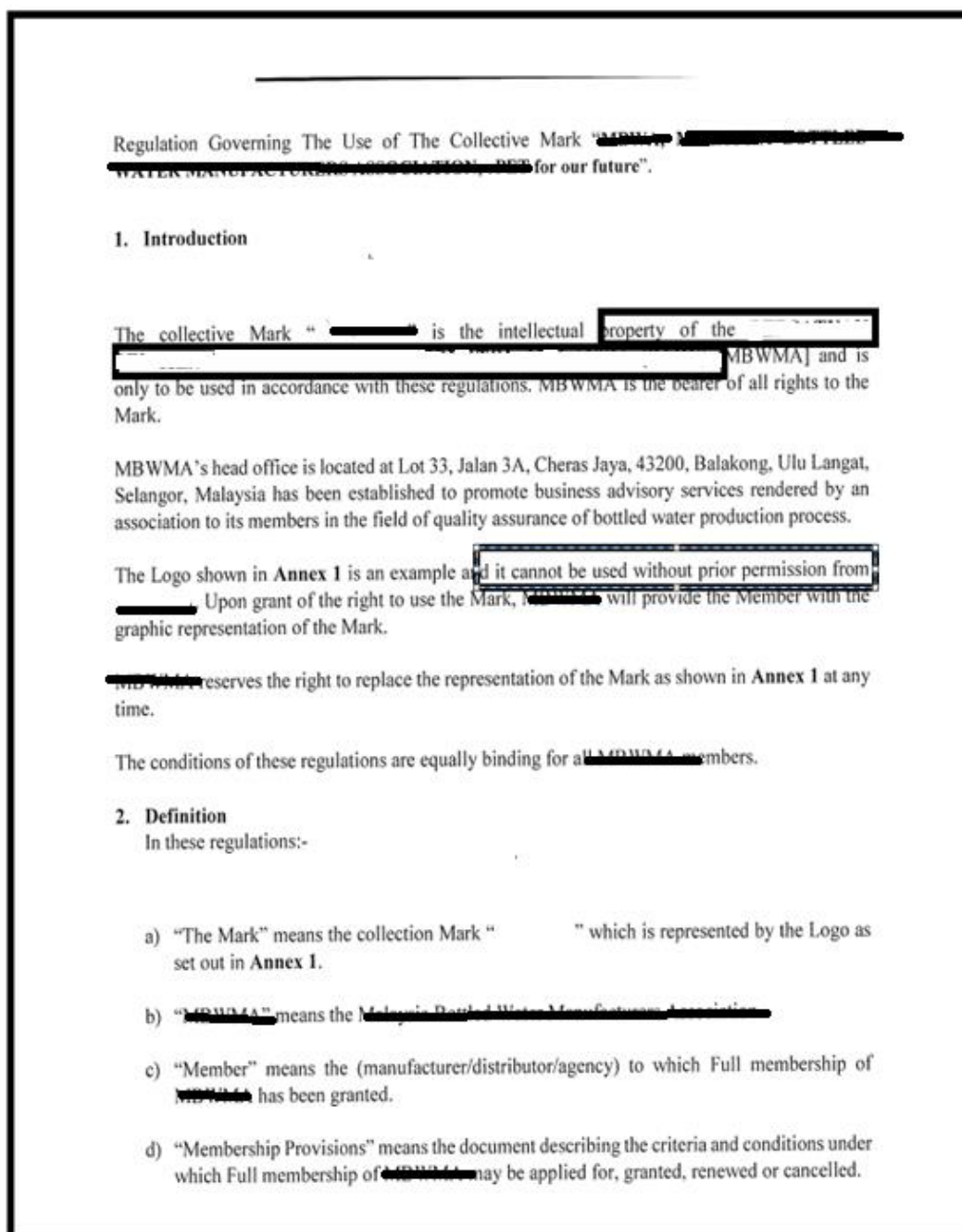
When consider the draft rules to accept or not, the officer must ensure the rules must clearly state the following:

2.3.7. Collective mark (Sec 72-First Schedule)

- (a) The persons who are authorized to use the collective mark;
- (b) The conditions of membership of the association;

- (c) The conditions of use of the collective mark, if any; and
- (d) Any sanctions or penalties imposed for the misuse of the collective mark, if applicable.

Example :



e) "Improper use" of the Mark means any use which infringes these regulations. It is also means imitation and counterfeiting of the Mark.

f) "Use" means lawful, authorized, non-exclusive, limited and revocable rights to use the Mark.

3. Shape of the Mark

The Mark is protected in all sizes, stylizations and colours. The logo can be found in **Annex 1**.

In view of not to limit the innovation in design of the label, the Mark can be in different color as the original as to suit the different innovation of label design.

4. Extend of the Mark

The Mark is protected in all Members states of the Malaysia and has, in addition, international protection in the countries that belong to the Madrid system for the international registration of marks.

5. Entitled association

The category of **MEMBER** membership is:-

➤ Full membership

Further information about the Full members can be found in **Annex 2**

6. Conditions of use of the Mark

Apart from **MEMBER** itself, the use of the Mark is strictly limited to quality assurance (manufacturer/distributor/agency) that have been granted Full membership of **MEMBER**.

a. A signed certificate pertaining the usage of the logo will be issued to the eligible member, in which consist of the name of the company, the address and the issuing date.

b. The eligible member must comply to the pre requirements of the logo:

(i) The minimum percentage of mixing of the rPET shall **not less than 30%** in ratio of the virgin PET resin.

(ii) The company is a valid and active **MEMBER** member.

(iii) The final product of the claimed rPET bottle shall go through formal laboratory test by third party to determine the acidity of the mixing. If the result show otherwise that different from (Clause b(i)), **MEMBER** reserved the right to call back the legibility usage of the Mark.

(iv) Every member shall once in a year send 2 bottles to the designated laboratory for the rPET test on annual basic. Failing to comply will result in the withdrawal of the certificate.

- (v) Certificate holder shall mention in their label the percentage of rPET being used in onto the bottle, example: This bottle contains 30% of rPET; this bottle is using 100% rPET or this bottle contains 50% rPET material. There will be no standard phrase to be sued, as long as the percentage is being mentioned on the label.
- (vi) All bottled water is produced and originated from Malaysia.
- c. If any member wants to use the Mark for their promotion or advertisement in the social media or TV media, ~~MEMBER~~ shall be prior notified with approval.

The Member agrees that:-

- i. it will use the Mark only in the manner prescribed herein;
- ii. it will use the Mark only in relation to its membership in ~~MEMBER~~;
- iii. it will use the Mark on its communication media in such a way as to create no confusion between matters of external quality assurance activities and other matters;
- iv. it will not, during the period of membership, register or attempt to register the Mark or any imitation thereof; make or assert any claim of ownership to the Mark; or dispute the right of ~~MEMBER~~ or its successors, to authorize to use of the Mark as provided herein;
- v. it will, upon withdrawal or termination of membership of ~~MEMBER~~, discontinue the use of the Mark or any reference thereto, and will not thereafter use any copy or imitation thereof;
- vi. in case of takeover of the Member, the new (manufacturer/distributor/agency) shall submit a membership application in accordance with the application procedure that will be provided by ~~MEMBER~~ upon request. Acceptance of the membership application will result in the transfer of the Mark to the new Member.

7. Conditions of membership

Full membership of ~~MEMBER~~ is open to quality assurance (manufacturer/distributor/agencies) that meet the criteria described in the Membership Provisions (**Annex 2**).

8. Sanctions against misuse of the Mark

In the event of improper Use of the Mark, which represents a violation of the collective mark, ~~MEMBER~~ may prosecute the Member on the basis of the present regulations and of trademark laws. ~~MEMBER~~ may forthwith suspend or withdraw the right to use the Mark. The Member may appeal this decision in accordance with the appeal procedure that will be provided by ~~MEMBER~~ upon request. The Appeals and Complaints Committee will deal with all appeals.

Collective Mark contains a Geographical Indication (GI), the Rules must also include the following additional information:

- (a) The country, region, or locality where the goods or services originate;
- (b) The quality, reputation, or other characteristic of the goods or services that is essentially attributable to their geographical origin;
- (c) Details of any existing protection or registration of the geographical indication in the country, region, or locality of origin; and
- (d) Information regarding the use of the geographical indication in the country, region, or locality of origin.

2.3.8. Certification mark (Sec 73-Second Schedule)

The officer must ensure the rules must clearly state the following:

- (a) The persons or parties authorized to use the certification mark;
- (b) The specific characteristics that are certified by the certification mark (e.g., quality, origin, material, mode of manufacture, etc.);
- (c) The methods or procedures used by the proprietor to test or verify those characteristics;
- (d) The supervision or monitoring measures undertaken by the proprietor to ensure proper use of the certification mark; and
- (e) The procedures for handling or resolving disputes between the proprietor and any authorized user regarding the use of the certification mark.

Example :

REGULATIONS

PREAMBLE

The Corporation, ██████████, is a social welfare organization tasked with overseeing the certification and use of the Certification Mark towards the goal of ensuring the reliable certification of digital currencies that derive their worth from external assets with material value. The Corporation seeks to provide information, education, and publicity to provide awareness to Persons providing Goods and/or Services certified with the Certification Mark.

The Regulations for the use of the Certification Mark for ██████████ are set out below.

Reference to the singular includes a reference to the plural and vice versa.

██████████ Certification Description

1. Proprietorship

- a) ██████████, a Certification Mark owned by the Corporation and may not be used by any Person except as stated in these Regulations.
- b) The Corporation holds the power to authorize and withdraw the right to use ██████████ as a Certification Mark.

2. Who is Authorized to Use the Certification Mark

Only Persons who have completed the certification process administered by the Corporation are authorized to use the Certification Mark in connection to the Goods and/or Services.

5. Characteristics Certified by the Certification Mark

The Certification Mark is applicable to any digital currency backed by assets with commercial value independent of the currency's digital ecosystem or payment networks associated with the assets themselves.

For example, this might include a digital currency that is backed by:

- Specific mineral or metal resources owned by the Issuer
- Energy allotments produced or owned by the Issuer
- Healthcare services or derivative revenue streams owned by the Issuer
- Computing power credits produced or owned by the Issuer

This excludes the following categories:

- Non-digital currencies
- Digital fiat currencies
- Digital currencies that are not backed by external assets or that derive their value primarily from characteristics of their digital ecosystem or payment networks, e.g., issuance caps, smart contract functionality, network effects based on scale
- Digital currencies backed by fiat assets

6. Certifiable Goods and/or Services

The Certification Mark may also be used for the following Goods and/or Services, provided the mark is used for these Goods and/or Services by an Issuer of the Certification Mark:

Goods in Class 9: Downloadable computer software for use as a cryptocurrency wallet, downloadable software for generating cryptographic keys for receiving and spending cryptocurrency; downloadable computer software for managing and verifying cryptocurrency transactions on a blockchain; downloadable computer software for managing and validating cryptocurrency transactions; cryptocurrency computer hardware incorporating downloadable e-wallets.

Services in Class 36: Cryptocurrency trading services; cryptocurrency exchange services featuring blockchain technology; real estate investment services; financial investment in the field of real estate; financial exchange of virtual currency; financial services, namely, providing a virtual currency for use by members of an online community via a global computer network; electronic transfer of virtual currencies.

8. How Certifying Body Tests Characteristics and Supervises Use of the Certification Mark

A certification agent of the ~~Corporation~~ will evaluate a currency to determine whether it meets the requirements laid out in ~~Regulation 5 above~~. The Proposed Issuer is responsible for submitting supporting documentation to demonstrate that the currency meets these requirements. Successful Issuers will be recorded on the ~~Corporation's~~ blockchain while Proposed Issuers may continue to use the Certification Mark as long as the currency in question remains compliant with the requirements laid out in ~~Regulation 5 above~~. Testing to ensure that each currency remains compliant will occur annually, concurrent with the payment of the annual renewal fee. The Corporation will not discriminate against any Issuer that has met the minimum requirements. The Corporation may alter these Regulations only with the approval of the Board. Such alteration shall only affect the Issuer's use of the Certification Mark only if the ~~Corporation~~ has issued advanced twelve months' written notice.

9. Application and Authorization to use the Certification Mark

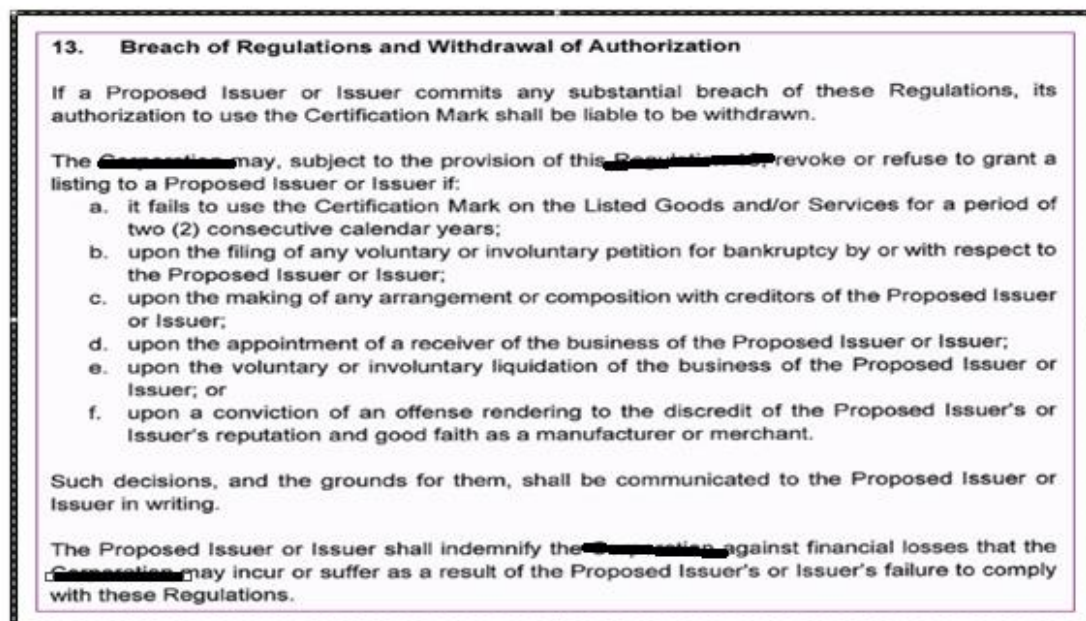
A Proposed Issuer who wishes to obtain authorization to use the Certification Mark shall submit an application to be an Issuer to the ~~Corporation~~. In examining the application, the ~~Corporation~~ shall be satisfied that:

- (a) The Proposed Issuer is the manufacturer or merchant of the Goods and/or Services;
- (b) The Goods and/or Services submitted for testing, examination and Listing are already being manufactured for sale or are to be manufactured;
- (c) The Proposed Issuer has completed an application to be an Issuer; and
- (d) The Goods and/or Services submitted by the Proposed Issuer conform to the applicable requirements of the characteristics to be certified, including that the digital currency is backed by assets with commercial value independent of the currency's digital ecosystem or payment networks associated with the assets themselves.

On conclusion of the testing and examination, the ~~Corporation~~ shall issue a Report to the Proposed Issuer.

Every Proposed Issuer that satisfies the ~~Corporation~~ that it will issue a digital currency with Characteristics Certified by the Mark set forth in Regulation 5 and for Certifiable Goods and/or Services set forth in Regulation 6, shall have its name included in the Lists as an Issuer, and upon such inclusion in the Lists shall be authorized to use the Certification Mark in relation to its Goods and/or Services for such time as these Goods and/or Services continue to meet the applicable requirements of the characteristics to be certified.

Each Issuer authorized to use the Certification Mark shall be provided with a Procedure, which shall describe its certifiable Goods and/or Services' performance under the testing and



Additional Requirements for Certification Marks Consisting of Geographical Indications

(b) Link to Geographical Origin

The quality, reputation, or other characteristics of the goods or services that are essentially attributable to their geographical origin.

(c) Existing Protection

Details regarding the existing protection or registration of the geographical indication in the country, region, or locality of origin (if applicable).

(d) Actual Use

Information concerning the use of the geographical indication in the country, region, or locality of origin.

Registrar's Discretion on Additional Requirements The Registrar may, at their discretion, request additional information or impose further requirements to be included in the rules. This is to ensure proper examination and effective administration of the certification mark application.

Filing of amended rules of collective marks or certification marks—
(Sec 54(1) & Sec 56(1))

2.3.9. Guidelines: Amendment of Rules for Registered Collective Marks or Certification Marks

1. Application Submission

- a) Any request to amend the rules governing the use of a registered collective mark or certification mark must be submitted to the Registrar.
- b) This application is to be made under subparagraph 8(1) of either:
 - the First Schedule to the Act (for collective marks), or
 - the Second Schedule to the Act (for certification marks)

2. Supporting Documents and Fees

The application must include:

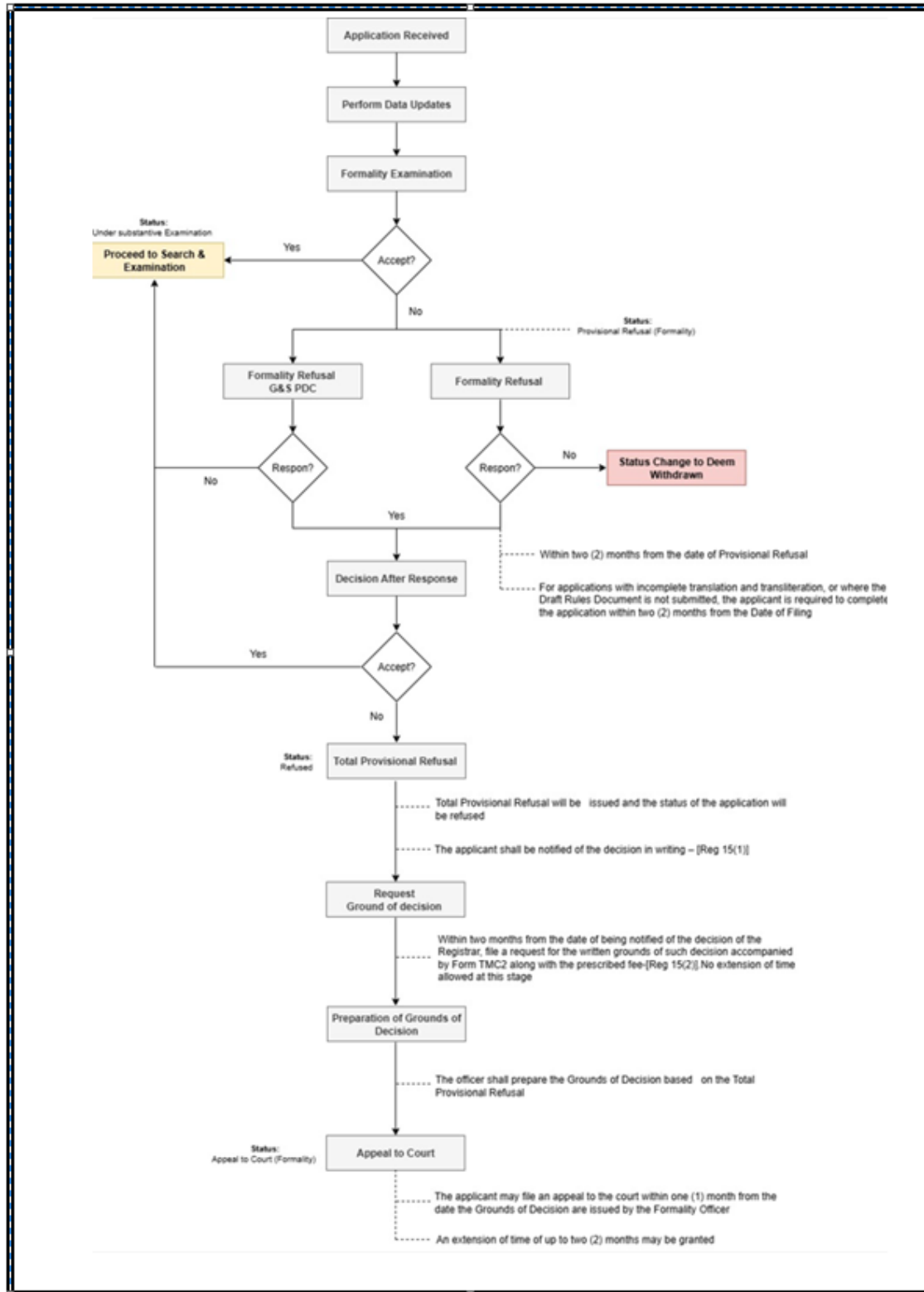
- a) A copy of the amended rules, with all changes clearly shown in red.
- b) Payment of the prescribed fee as determined under the regulations.

3. Registrar's Acceptance and Publication

If the Registrar accepts the amended rules:

- a) A public notice will be issued, stating that the rules have been amended by the registered proprietor of the collective or certification mark.
- b) The amended rules will be made available for public inspection.

A comprehensive overview of the whole formality examination process



2.5.1. Examination of Expedited Application – TMA4

Applicants may request for expedited processing to speed up the search and examination stages by submitting Form TMA4 together with the required fee.

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"

Upon receipt of Form TMA4, the following actions will be undertaken:

- Updating of the General Request in the system
- Document scanning and processing

Once the documentation is complete, the Formality Officer will retrieve the listing of expedited applications for formality examination.

The formality examination will be conducted within 1 month from the expedited date of filing. The formality examination process is the same as that for applications submitted through the normal route.

The General Request will be validated, and the condition 'Proceeding Under Subsection 17(5) of TMA 2019' will be updated once the General Request has been validated

Upon completion of the formality stage, the application file will be immediately assigned to the Search and Examination Unit for further processing.

For applications with no objections, the entire process is expected to be completed within approximately 4 months and 2 weeks from expedited date to registration

