

**CHAPTER 17**  
**OTHER TOPICS: WITHDRAWAL & DEFFERMENT**

---

<b>Contents</b>	
<b>17.1 WITHDRAWAL</b>	<b>3</b>
<b>17.1.1. Introduction</b>	<b>3</b>
17.1.2. Procedure .....	3
<b>17.1.3. Types of Withdrawal:</b>	<b>3</b>
<b>17.1.4 Withdrawal Process</b>	<b>3</b>
<b>17.1.5. Recording of Withdrawal or Restriction by the Registrar- [Reg 20(4)]</b>	<b>4</b>
<b>17.1.6. Publication of Withdrawal or Restriction After Acceptance of Trademark Application</b>	<b>5</b>
<b>17.1.7. Revoke after withdrawal</b>	<b>5</b>
<b>17.1.8. Right to Oppose Restriction</b>	<b>5</b>
<b>17.1.9. Filing an Opposition</b>	<b>5</b>
<b>17.1.10 Sample of Withdrawal Form (TMP1) – Withdrawal of class</b>	<b>6</b>
<b>17.1.11 Sample of Withdrawal Form (TMP1) – Withdrawal of Application</b>	<b>8</b>
<b>17.1.12 Unsuccessful Withdrawal Requests</b>	<b>9</b>
<b>17.1 14 Complete Workflow for Trademark Withdrawal Process is provided in the flow chart below.</b>	<b>10</b>
<b>17.2 DEFERMENT</b>	<b>11</b>
<b>17.2.1. Introduction</b>	<b>11</b>
<b>17.2.2. Deferment period</b>	<b>11</b>
<b>17.2.3. Procedure</b>	<b>11</b>
<b>17.2.4. Reason for deferment</b>	<b>11</b>

<b>17.2.5 Deferment Process</b>	12
<b>17.2.6 Example of Deferment of Trademark Application Examination</b>	12
<b>17.2.7 Deferment Application:</b>	13
<b>17.2.8 Registrar's Decision:</b>	13
<b>17.2.9 Sample of Defferment Form (TMP2)</b>	14
<b>17.2.10 Originating Summons</b>	<b>Error! Bookmark not defined.</b>
<b>17.2.11 Complete Workflow for Trademark Deferment Process is provided in the flow chart below.</b>	15

## **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  - The application status will be updated to "Withdrawn" in the trademark system.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)

Fee Code  
**TMP1**

**INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA  
 TRADEMARKS ACT 2019  
 WITHDRAWAL OF APPLICATION**

**Note:**  
 Please fill up all information require and attached related document if any.

1	<b>Application Number: IR No. 1802240 / MY TMA No. TM7</b> _____										
2	<b>Details of Request</b> a) Class(es) to be withdrawn <input type="checkbox"/> All classes <input checked="" type="checkbox"/> Class(es) specified in the table <table border="1" style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 20%; text-align: center;">10</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> b) Ground for withdrawal of application: <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 ..... .....	10									
10											
3	<b>Name of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change name of the applicant together with this request. Various changes can be made under one payment] <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>										
4	<b>Address of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change address of the applicant together with this request. Various changes can be made under one payment] <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div> Postcode: _____ Town: _____ State/Country: _____										



## 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

Fee Code  
**TMP1**

**INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA**  
**TRADEMARKS ACT 2019**  
**WITHDRAWAL OF APPLICATION**

Note:  
 Please fill up all information require and attached related document if any.

1	<b>Application Number:</b> TM: _____									
2	<b>Details of Request</b> a) Class(es) to be withdrawn  <input type="checkbox"/> All clases <input checked="" type="checkbox"/> Class(es) specified in the table  44  b) Ground for withdrawal of application:  Reason to apply was for dewan bahasa approval, hence there is no need to continue with trademark process from our end.									
3	<b>Name of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change name of the applicant together with this request. Various changes can be made under one payment]  <div style="border: 1px solid black; height: 30px; width: 100%;"></div>									
4	<b>Address of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change address of the applicant together with this request. Various changes can be made under one payment]  <div style="border: 1px solid black; height: 20px; width: 100%;"></div>									
5	<b>Agent</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">a</td> <td style="width: 100px;">Name:</td> <td style="width: 200px;"></td> </tr> <tr> <td style="text-align: center;">b</td> <td>Agent Code (if known)</td> <td></td> </tr> <tr> <td style="text-align: center;">c</td> <td>Agent's Reference</td> <td></td> </tr> </table>	a	Name:		b	Agent Code (if known)		c	Agent's Reference	
a	Name:									
b	Agent Code (if known)									
c	Agent's Reference									

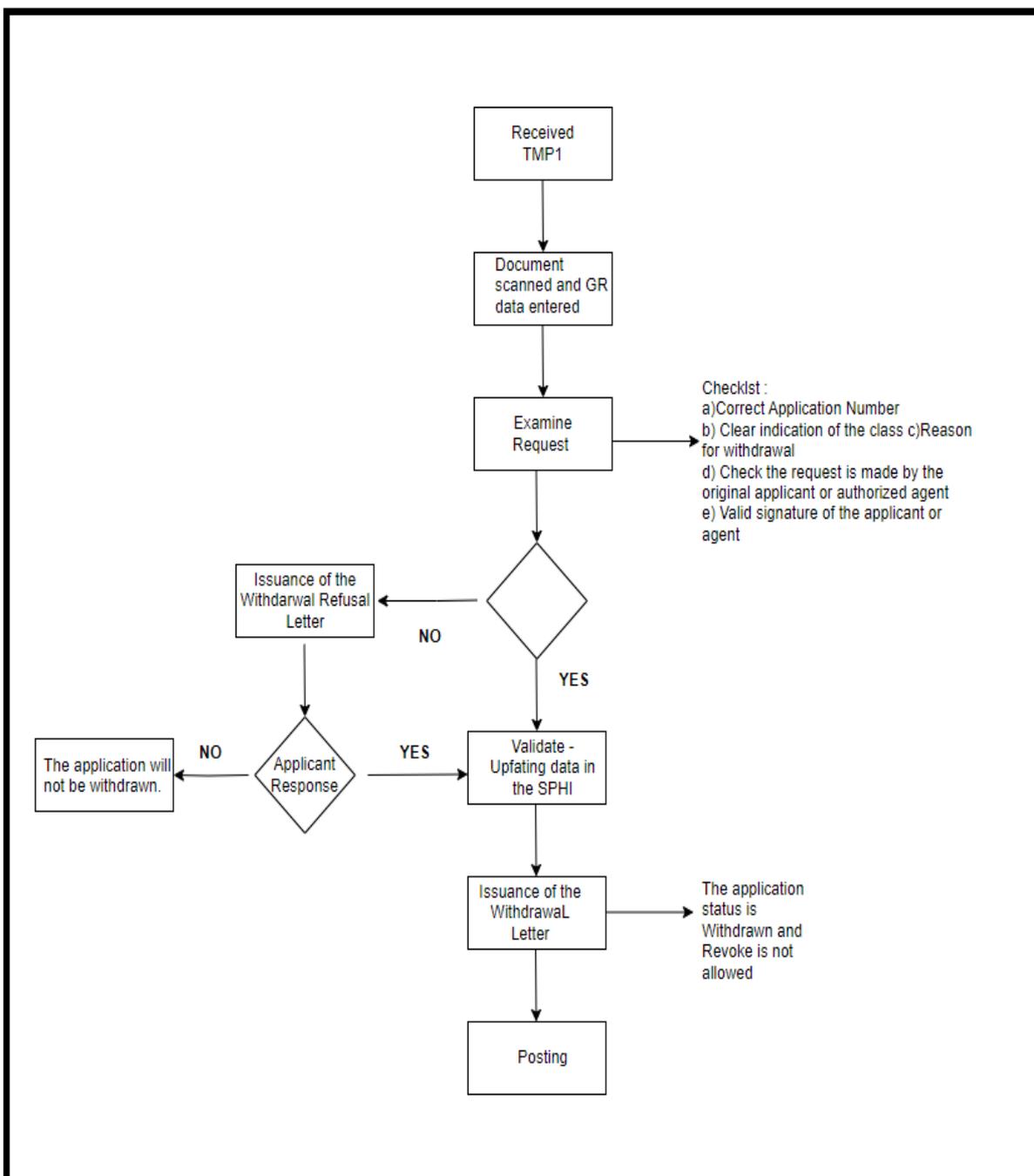
Note: Fee of RM20 (Fee Code TMR7) will be charged if the agent is newly appointed



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)

<p><b>INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA</b>  <b>TRADEMARKS ACT 2019</b>  <b>APPLICATION FOR DEFERMENT OF EXAMINATION OF AN APPLICATION OR</b>  <b>OPPOSITION PROCEEDING</b></p>		Fee Code <b>TMP2</b>
<p><b>Note:</b>          Please fill up all the required information require and attached related document if any</p>		
1	<b>Status of the mark:</b> <input checked="" type="checkbox"/> Application under examination <input type="checkbox"/> Application under opposition proceeding	
2	<b>Application Number</b> : <b>TMi</b> <span style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></span>	
3	<b>Reasons for requesting deferment:</b> [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: <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/>	
4	<b>Name of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change name of the applicant together with this request. Various changes can be made under one payment] <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	
5	<b>Address of Applicant</b> (Please mark off box which is applicable) <input checked="" type="checkbox"/> No change from the existing record <input type="checkbox"/> Different from the existing record [Please fill up the box below. Fee of RM20 (Fee Code TMB4) will be charged to change address of the applicant together with this request. Various changes can be made under one payment] <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

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

