Detecting data from ASEAN patent offices

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The participants have been reminded and are encouraged to seek alternative opinions.

Redzuan Ali
Patent Engineering Division
Intellectual Property Corporation of Malaysia (MyIPO)
About MyIPO

• An Agency under Ministry of Domestic Trade and Consumer Affairs (MDTCA), Malaysia

• Corporatized on 3rd March 2003

• Govern by Intellectual Property Corporation of Malaysia Act 2002

• Responsible for the development and management of intellectual property system in Malaysia.
Objectives

1. Establishing a strong and excellent administration
2. Strengthening intellectual property laws
3. Providing comprehensive and user-friendly information on IP
4. Promoting public awareness programs on the importance of IP
5. Providing advisory services on IP
IP Legislations

PATENTS ACT 1983


PATENTS REGULATIONS 1986

The Patents Regulations (Amendment) 2011 were enforced on 15 February 2011 to improve IP service delivery system - to shorten the pendency period for patents for expedited examination.

(23 months for clear cut cases from filing date)
Applicant to lodge request for approval of expedited examination

Registrar’s decision on expedited examination

Applicant to lodge Request for Expedited Examination (Form 5I + MYR2,200 (Manual))

Search & Examination – Examiner issues Clear Report

Formality checks – upon issuance of Clear Report

GRANTED

18 months from priority date or date of filing

1 week

1 week

1 week

4 weeks

1 week

3 months

Total = 23 months

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PATENT FILING BASED ON FIELD (2014 – 2018)
OVERVIEW ON HOW MALAYSIAN PATENT INFORMATION DATA IS PROCESS
Timeline of events

**Applicant**
- Patent application
- Refusal of the patent application

**MyIPO**
- Filing & formalities examination
- Substantive examination
- Grant of a patent
- Amendment after grant

**Public Domain**
- Observations by third parties possible
- Publication of the patent bibliographic data
- Publication of the amended patent bibliographic data

18m
MyIPO provide public inspection of patent information according to Section 34 of the Malaysia Patent Act (MPA).

Where the registrar shall make available for public inspection after eighteen months from the priority date or filing date of a patent application and upon payment of the prescribed fee.
The data provided in public inspection shall includes:

- Name, address and description of the applicant and his agent, if any;
- The application number
- The filing date of the application and, priority data of the earlier application was filed
- The particulars of the application including description, claims, drawings, if any and the abstract and any amendments to the application, if any.
- Any change in ownership of the application etc.
The patent information data will not be made available for public inspection if:

- The patent application is withdrawn or refused or deemed to be withdrawn or refused before the expiry of the period of eighteen months from the priority or filing date of the application or contrary to public order or morality;

The patent information data may be inspected only with the written permission of the patent applicant if the information is requested within eighteen months from the priority or filing date of the application.
Overview on how Malaysian patent information data is process

- Communication between MyIPO and applicant or it’s representative will not be available for public inspection including the search report.
Current Automation - SPHI

Functions

- Receiving of Application
- Formality
- Substantive Examination
- Publication
- Grant of Patent
- Renewal
- Post Grant
- Monitoring patent lifecycle

Integrations

- Online Application (IP Online System)
- Online Searching (IP Online System)
- Incoming Document & Outgoing Correspondence
- Fee Management (Receipting System)
Under Regulation 16(3) of MPR, the abstract shall indicate the technical field to which the invention pertains and to be drafted in a clear understanding of the technical problem of the invention.

The abstract as filed need to satisfy the examiner, otherwise correction is requested.
Data Types & Formats

- Bibliographic data in XML
- Full Specifications
  - Abstracts
  - Descriptions
  - Claims
  - Drawing
- Available in English language or Malay Language according to the doc submitted to MyIPO
User access patent information data

- No file wrapper/communication between applicant and MyIPO is available for public either online or on paper.

- XML Data format for receiving data from the online filing system then automatically will be converted to pdf

- PDF Data format for the patent document viewer

- Legal status code:
  - PI 2019XXXXXXX / UI 2019XXXXXXX – patent application number
  - MY 123456 A – patent granted