

## Intellectual Property Protection

- The Trade Marks Act 1976, enforced on the 1st of September 1983, provides for a registration system for marks (e.g. logos, brands, signs) used in relation to goods and services. The registration of a mark in relation to specified goods or services is valid for Ten (10) years from date of filing and is renewable for subsequent periods of Ten (10) years each, indefinitely. The registered proprietor is entitled to commence infringement action against others who use his mark without consent or lodge a complaint under the Trade Description Act 1972.
- The Patents Act 1983 came into force on the 1st of October 1986, to provide for a system for registration of patents and utility innovations in Malaysia. The Act specifies, among others, what is meant by "patentable invention" and what are non-patentable. Upon grant and if annual fees are paid, a patent is valid for Twenty (20) years from the date of application. The owner of a patent has the exclusive rights to exploit the patentable invention, assign or transmit the patent and to conclude licence contracts. Infringement proceedings can be instituted against those who have infringed or are infringing his patent.
- The Copyright Act 1987, effective as of 1st of December 1987, confers the exclusive right to the owner of a copyright for a specific period. There is no system of registration for copyright in Malaysia. A work that is eligible (literary works, musical works, artistic works, films, sound recordings, broadcasts and derivative works) is protected automatically if sufficient effort has been expended to make the work original in character; the work has been written down, recorded or otherwise reduced to a material form; and the author is qualified person or the work is made in Malaysia or the work is first published in Malaysia. The Act also specifies the circumstances amounting to and remedies for infringements and offences.
- The Industrial Designs Act 1996, which is in force from the 1st of September 1999, implements a system for the registration of an "industrial design" in Malaysia, defined to mean the features of shape, configuration, pattern or ornament applied to an article by any industrial process being features which in the finished article, appeal to and are judged by the eye. The registration is for Five (5) years from the date of application and renewable for Two (2) more periods of Five (5) years each. The Act

further specifies the extent of rights granted to the owner and what amounts to infringement.

- The Layout Designs of Integrated Circuits Act 2000, in force from the 15th of August 2000, set out, inter alia, the criteria for the protection of the layout design of integrated circuits and the extent of protection conferred upon the right holder. A layout design is valid for Ten (10) years from the date it is first commercially exploited. Notwithstanding that, the protection conferred by the statute will lapse fifteen (15) years from the date of its creation.
  
- The Geographical Indications Act 2000, which came into effect on the 15th of August 2001, specifies the process for registration of geographical indications. This is to prevent misuse of the names of places which identify both the geographical origins and the products.
  
- The Optical Discs Act 2000, which is effective as of 15th of September 2000, provides for the licensing and regulation of the manufacture of optical discs, such as VCD, DVD, CDs, etc in Malaysia. The Act represents one of the legislative initiatives taken to combat the piracy of copyright works in the form of optical discs and to strengthen the protection of intellectual property rights in Malaysia.