

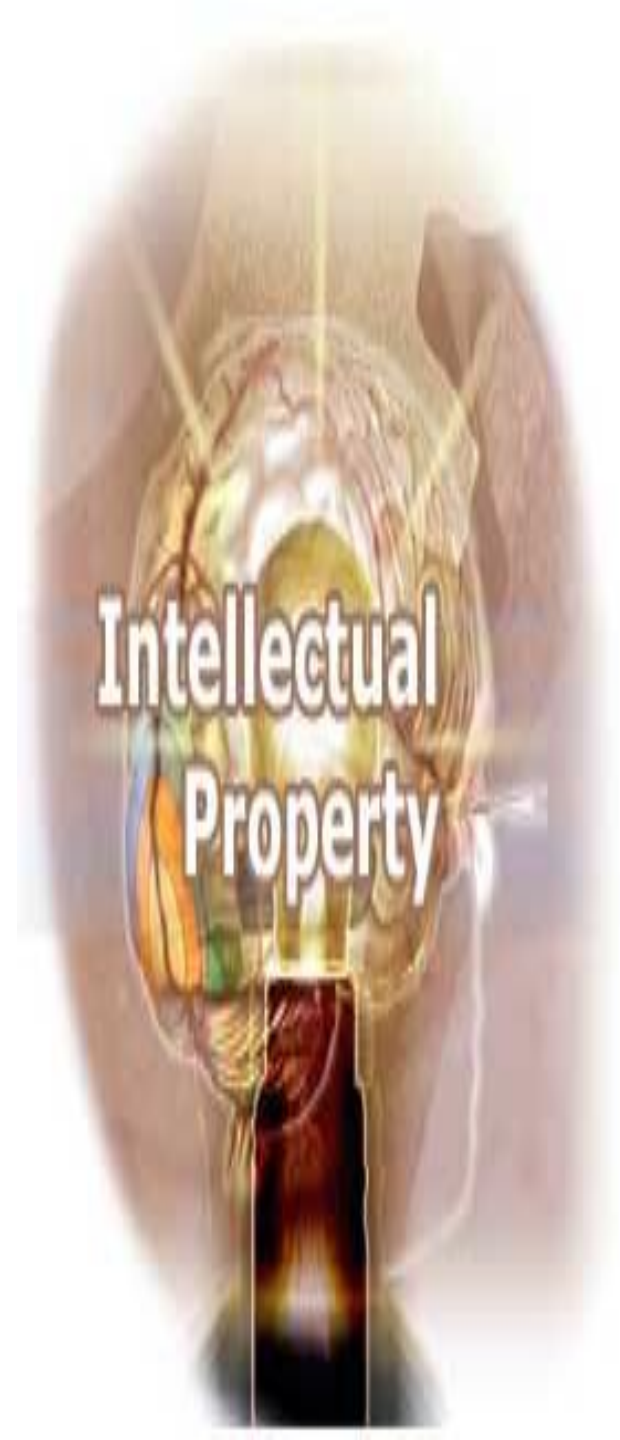


creativity

innovation

# Topic Outline

- Introduction to Intellectual Property (IP)
- IP as Intangible Property
- Why Protection of IP is Given?
- IP as a Property
- Types of IP Rights Protection
  - Patent
  - Copyright
  - Trade Mark
  - Industrial Design
  - Geographical Indication
  - Layout-Design of Integrated Circuit
- IP Awareness in Malaysia



# Lesson Outcomes

1. Identify the importance & roles of intellectual property rights protection system
2. Discuss the different types of intellectual property rights protection



# Introduction to Intellectual Property (IP)

- Refers to creations of the mind including inventions, literary and artistic works and symbols, names, images and designs used in commerce.
- Two categories:

## 1. Industrial Property

Includes inventions (patents), trademarks, industrial designs, geographic indications and layout-design of integrated circuit.

## 2. Copyright

- Includes literary such as novels, poems and plays, films, musical works, and artistic works such as drawings, paintings, photographs and sculptures, and architectural designs.
- Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings and those of broadcasters in their radio and television programmes

# Importance of IP Protection System

1. Exclusive rights to IP owners to control and exploit their intellectual property.
2. Rights to make use, distribute, sell and import.
3. Rights to commence legal action against the parties infringing their rights.

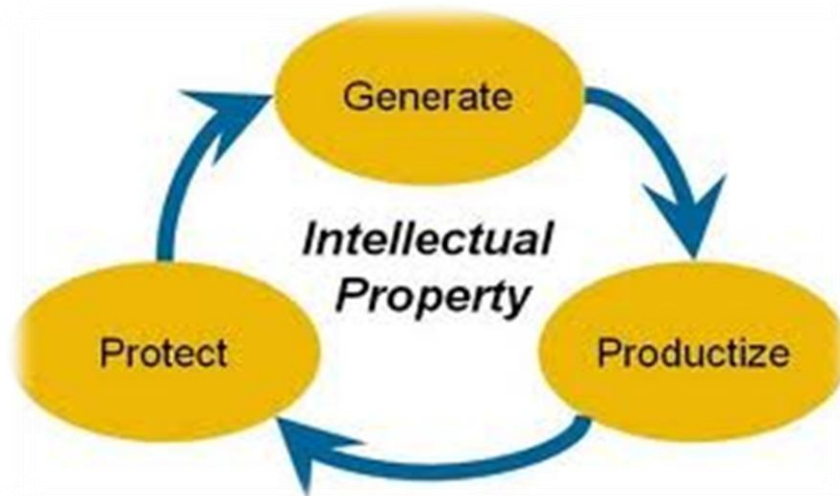


# IP as Intangible Property

- Tangible property - land, houses, estates, car etc.
- Intangible property - intellectual property (intangible wealth, easily appropriated and reproduced; once created the marginal cost of reproduction is negligible)
- The role of IP as intangible property:
  - i. Economic rights of creators
  - ii. Commercial exploitation of owner of IP
  - iii. Capital expenditure
  - iv. Transfer of technology
  - v. Cultural development

# Why Protection of IP Is Given?

1. Capital expenditure for new products
2. Research and Development
3. Marketing and advertisement
4. No free loaders
5. Maintaining loyal followers
6. Profit



# IP as A Property

1. Can be sold
2. Can be bought
3. Can be lease or rent
4. Can pass under a will
5. Can be assigned



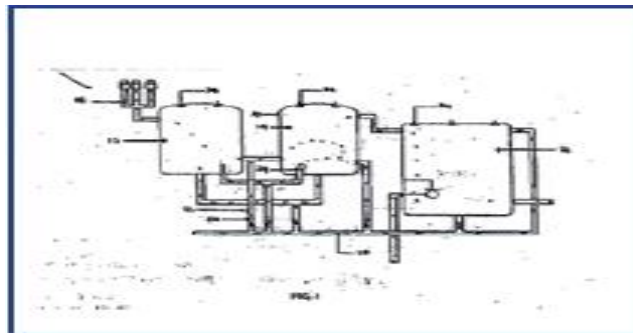


# Types of IP Rights Protection

Different ways of protecting IP, applicable in different contexts and for different types of products.

## PATENTS

- An exclusive right granted for an invention, which is a product or a process that provides a new way of doing something or offers a new technical solution to a problem.
- 20 years from the filing date of application.
- Temporary monopoly – by the individual or organization disclosing in the patent sufficient detail of the invention, the state confers the legal right to stop others benefiting from the invention.
- Protects an idea.

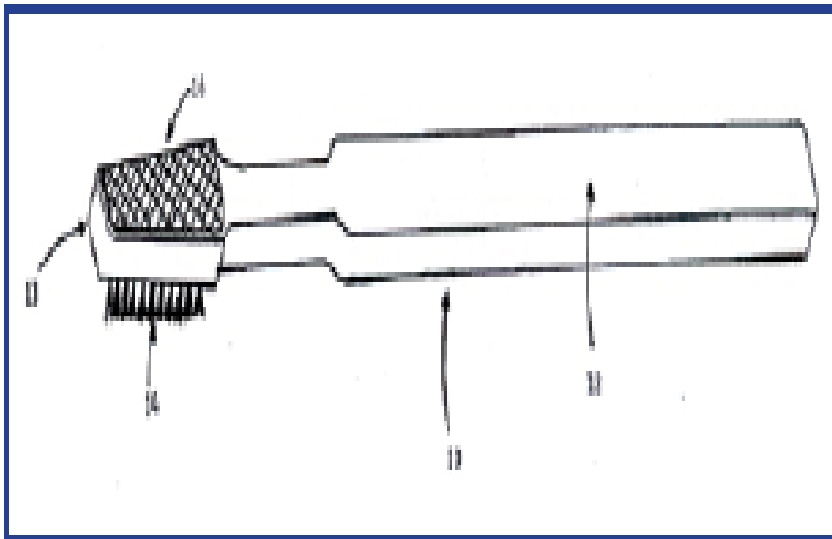


New technology  
using water from  
rainfall for industrial

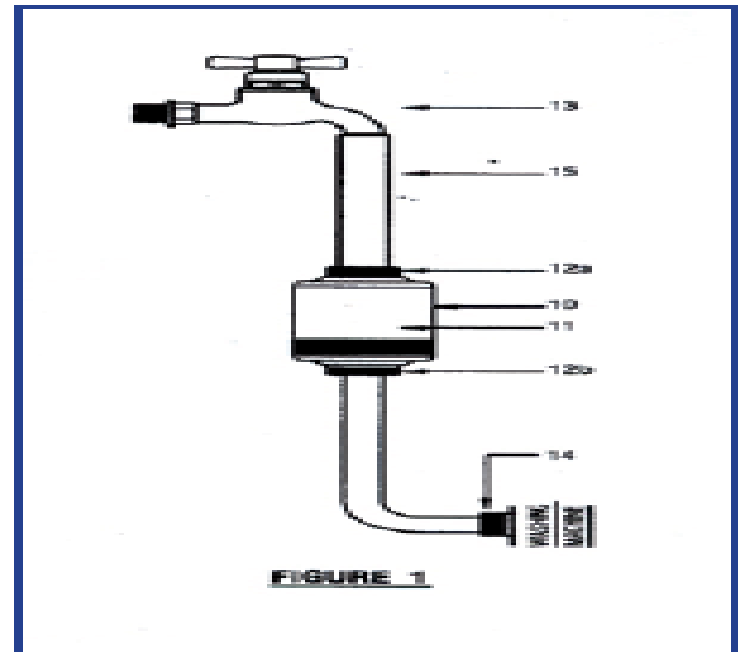
# Types of IP Rights Protection

## Utility Innovation

- An exclusive right granted for a minor invention which is not required to satisfy the test of inventiveness as required of a patent.
- Protected for 10 years from the date of filing with the possibility of extension for another 5 + 5 years, subject to use.
- Examples:



Combined toothbrush and tongue cleaner



Filter unit for use with washing machines

# Types of IP Rights Protection

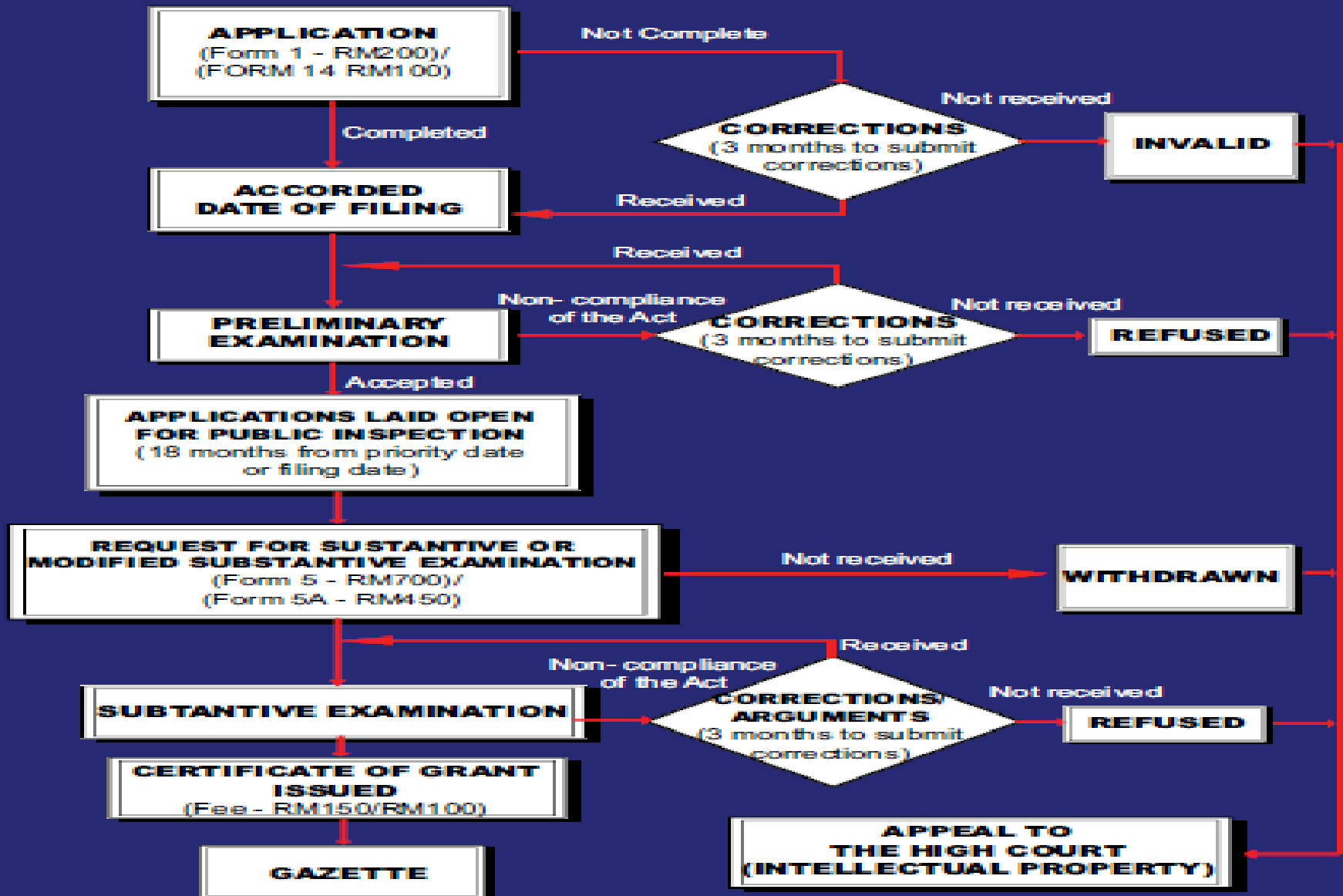
## Patent applicants

- Malaysian - can file his own patent application or appoint a registered patent agent on his behalf.
- Foreigner - must appoint a registered patent agent in Malaysia to be his representative.

## Patent or Utility Innovation Applications

- File a patent or utility innovation application in a prescribed form with the Intellectual Property Corporation of Malaysia (MyIPO).
- Can also electronically file applications through MyIPO's website.
- Examinations made to determine meeting the requirements of the Patents Act 1983 and Patents Regulations 1986.
- Territorial – needs to apply for patent protection in those countries in which we would like our patent protected.

# FLOWCHART PATENT APPLICATION AND GRANTING PROCEDURE (PATENT ACT 1983)



\* Kindly refer to Patents Regulations for details procedure.

# Types of IP Rights Protection

## Criteria for Patentability

Invention must:

1. be new - not been publicly disclosed in any form, anywhere in the world;
2. involves an inventive step – must not be obvious to someone with the knowledge and experience in the technological field of the invention
3. be industrially applicable - can be mass produced.

## Inventions Eligible Certificate of Utility Innovation

- be new and industrially applicable



# Types of IP Rights Protection

## COPYRIGHT

- Reserves to the copyright owner the right to make copies of the work and to authorize the making of copies, as well as control other acts of exploitation, for a specified duration.
- Copyright Act 1987 - protects the way in which the idea is expressed.
- The kinds of works protected:
  - ✓ literary works: including books, pamphlets, plays, drama, scripts, articles, letters, reports, memoranda, tables and compilations, computer programs;
  - ✓ artistic works: including paintings, drawings, diagrams, maps, charts, engravings, photographs, sculptures, works of architecture, works of artistic craftsmanship;
  - ✓ musical works; films; sound recordings; broadcasts and
  - ✓ computer software
- Applies automatically once the material is created – no registration provision, quicker and cheaper.
- A weaker but wider form of protection than a patent.
- Duration of protection:
  - ✓ Literary, musical or artistic works - life of the author and 50 years after his death.
  - ✓ Sound recordings, live performance, broadcasts and films - for 50 years after the works are first published or made.



# Types of IP Rights Protection

## TRADE MARK

- Trade mark – a sign, name or symbol that distinguishes one product or services from similar competitive products or services.
- “Mark” includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral or any combination.
- Governed by the Trade Mark Act 1976 and Trade Marks Regulation 1997.
- Proprietor of the trade mark or service mark has the right to deal or assign as well as to license its use. Infringement action can be initiated against abusers.
- Period of protection - ten years, renewable for a period of every ten years thereafter.
- Local applicants may file applications on their own, while foreign applicants must go through registered agents.
- Are territorial like patents – have to apply them in the country or group of countries in which want to use them.



# Types of IP Rights Protection

## INDUSTRIAL DESIGN

- Is the ornamental or aesthetic aspect of an article.
- Design may consist of three-dimensional features such as the shape and configuration of an article, or two-dimensional features, such as pattern and ornamentation.
- Design features must be applied to an article by any industrial process or means of which the features in the finished article appeal to eye.
- Governed by the Industrial Designs Act 1996 and Industrial Designs Regulations 1999.
- Provides the rights of registered industrial designs as that of a personal property capable of assignment and transmission by operation of the law.
- Criteria:
  1. New and do not include a method of construction or design that is dictated solely by function.
  2. Design of the article must not be dependent upon the appearance of another article of which it forms an integral part.
- Protection duration - initial period of five years which may be extended for another two 5-year terms, providing a total protection period of 15 years.
- Local applicants may file applications on their own, while foreign applicants must go through registered agents.



# Types of IP Rights Protection

## GEOGRAPHICAL INDICATION

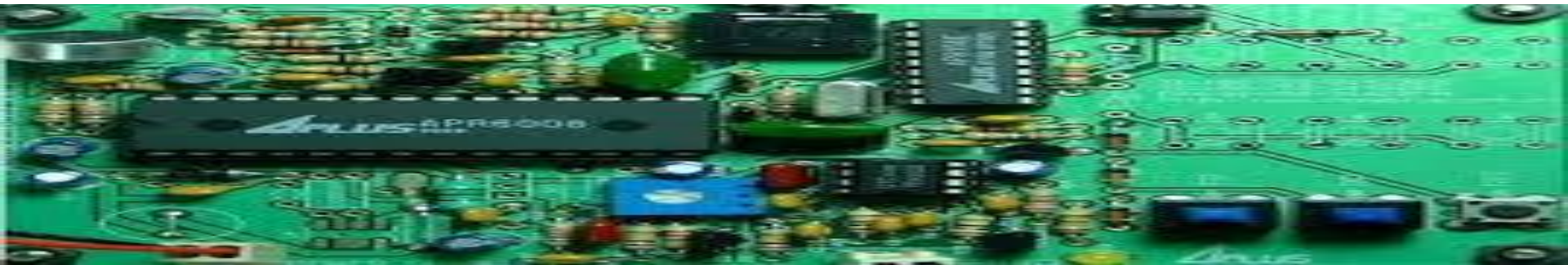
- Geographical Indications Act 2000 provides protection upon registration to goods following the name of the place where the goods are produced, where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin.
- Applicable to goods such as wine and spirit, or natural or agricultural products or any product of handicraft for the industry.
- Geographical indications which are contrary to public order or morality are not protected.
- Product must come from a particular geographical territory.
- Uses a name link to the particular geographical nature of the territory such as Keropok Losong, Batik Kelantan, Swiss Chocolate, Sarawak Pepper etc.



# Types of IP Rights Protection

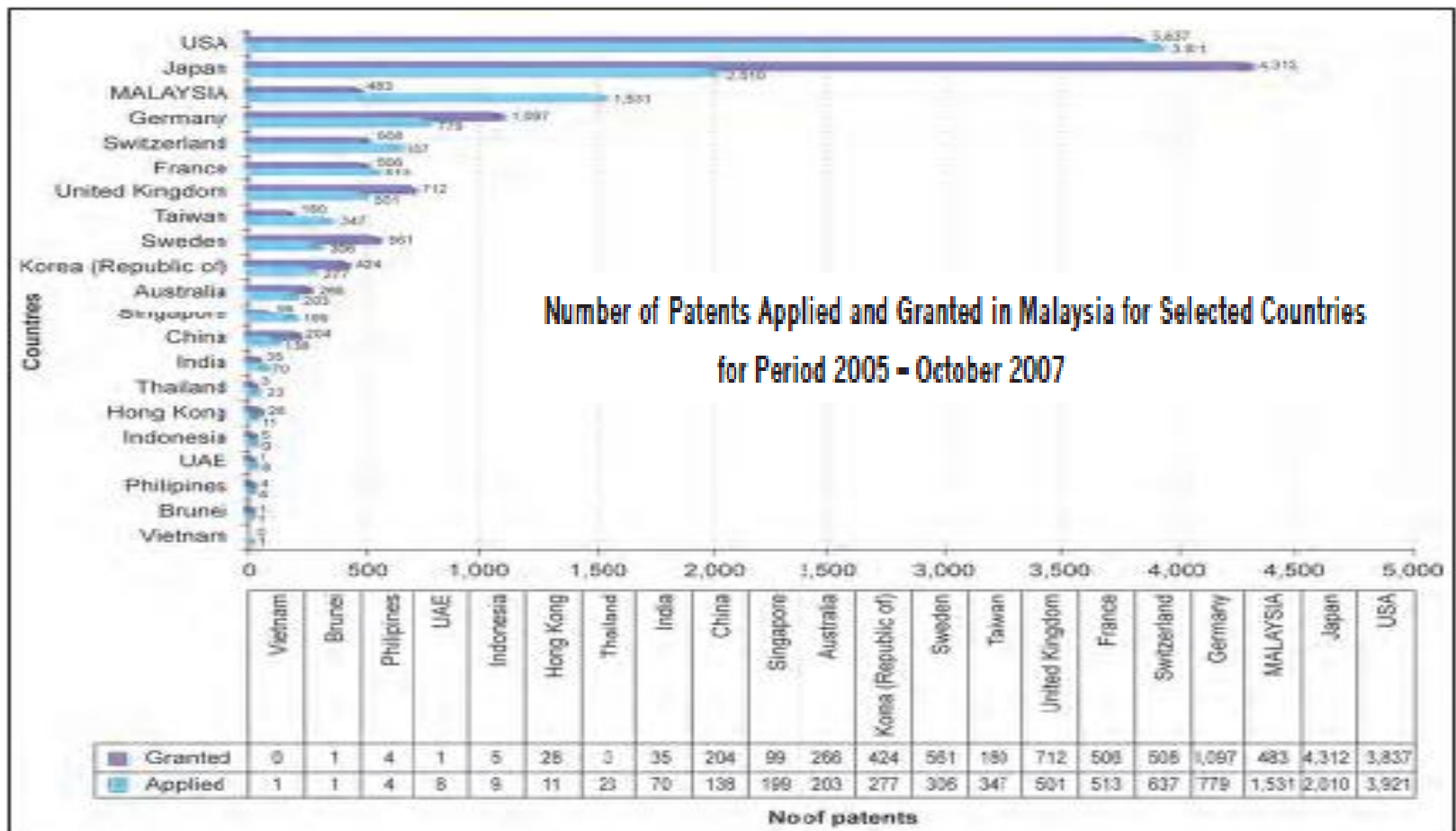
## LAYOUT-DESIGN OF INTEGRATED CIRCUIT

- Layout Designs of Integrated Circuits Act 2000 provides for the protection of layout designs of integrated circuits based on originality, creator's own invention.
- No registration for the layout design of an integrated circuit.
- Duration of protection is 10 years from the date of its commercial exploitation or 15 years from the date of creation if not commercially exploited.
- Can be transferred either partly or wholly by way of assignment, license, wills or through the enforcement of law.
- To provide a guarantee to investors in Malaysia's electronics industry and to ensure the growth of technology in the country.



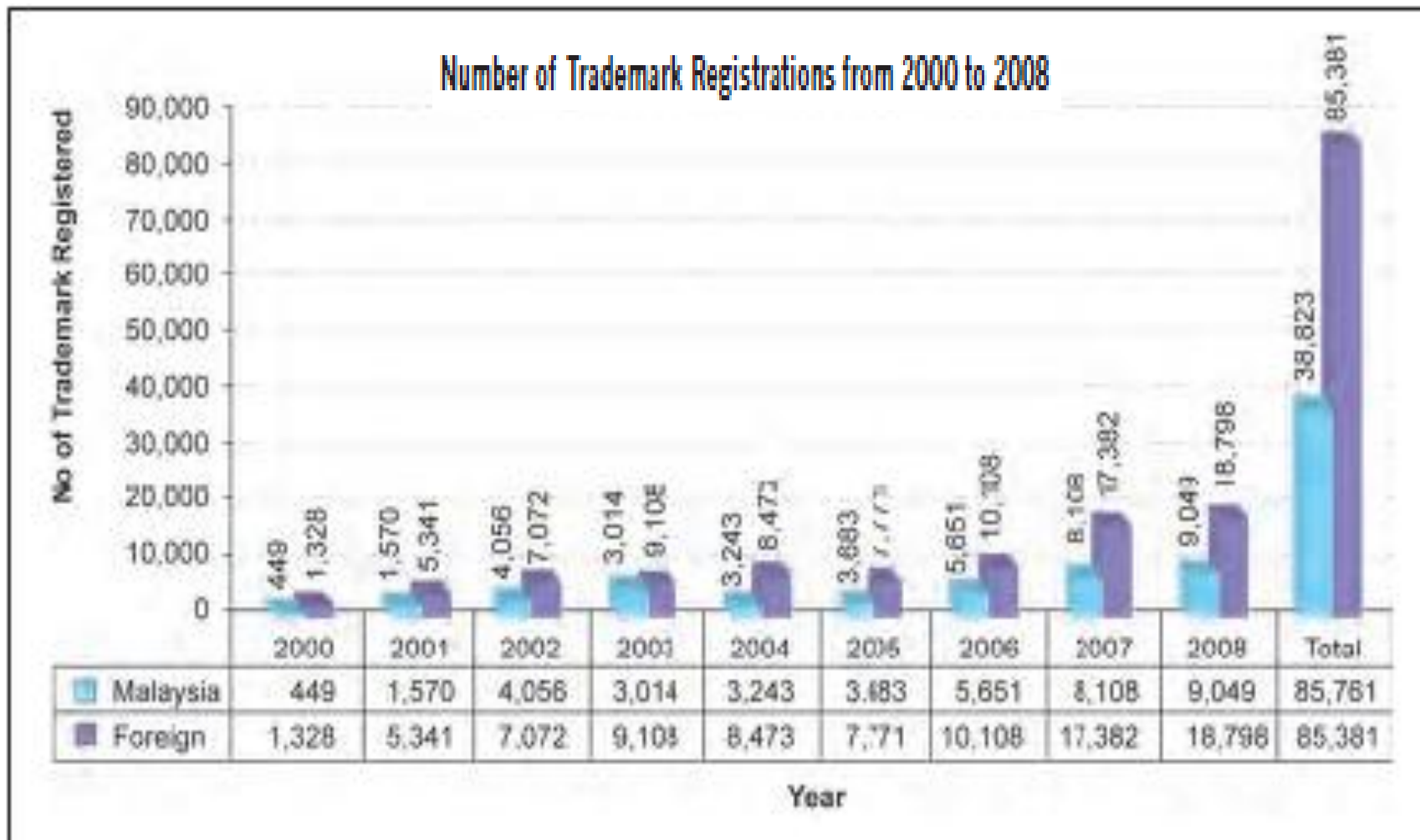
# IP Awareness In Malaysia

- Only 20 % of IP rights such as in patent, trade marks are owned by Malaysian.
- 80 % are owned by foreigners.



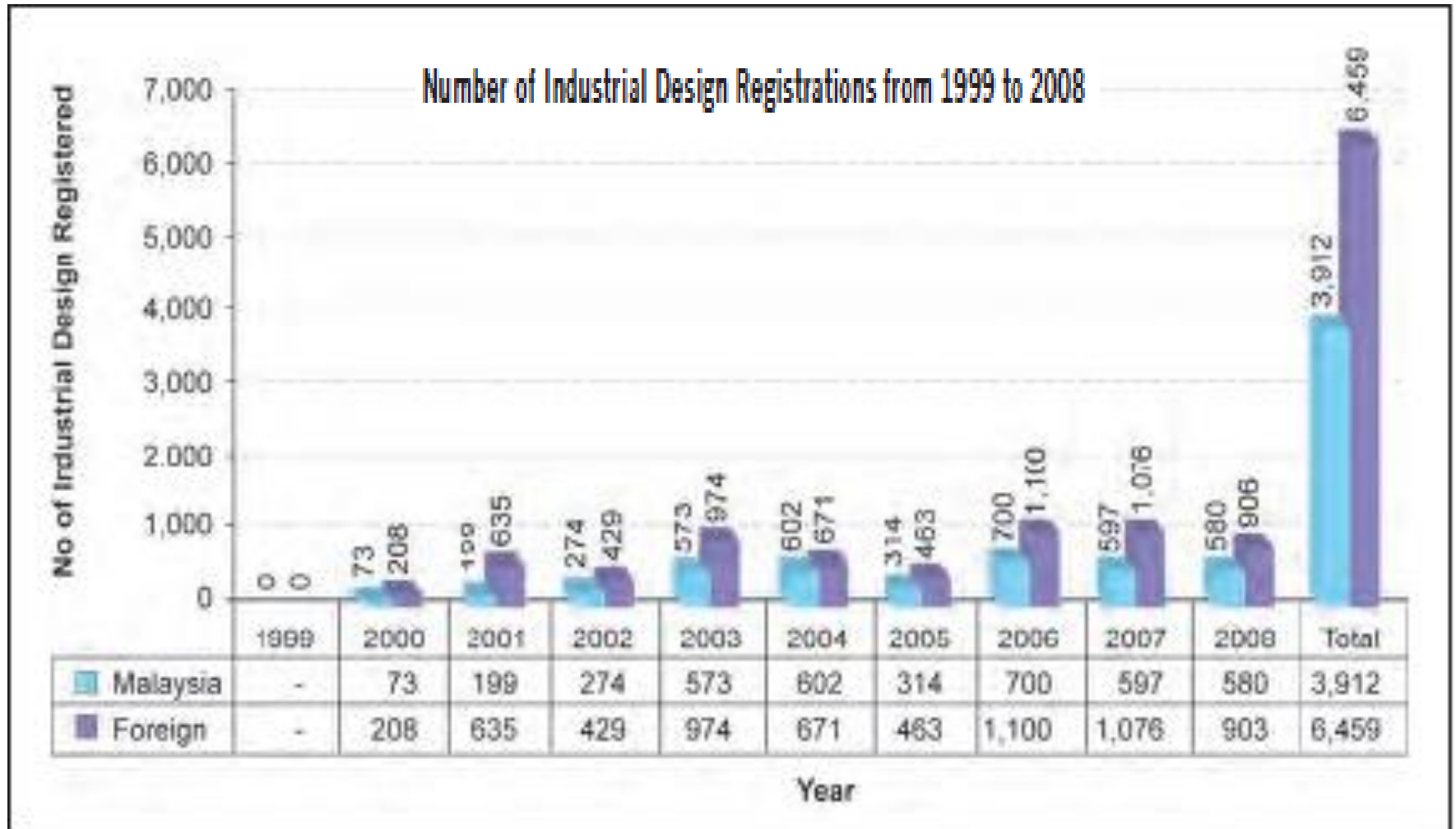
Source: Intellectual Property Corporation of Malaysia (MyIPO)

# IP Awareness In Malaysia



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