



P.U. (A) 295/2006

## PATENTS (AMENDMENT) REGULATIONS 2006

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IN exercise of the powers conferred by section 87 of the Patents Act 1983 [*Act 297*], the Minister makes the following regulations:

### Citation and commencement

1. (1) These regulations may be cited as the **Patents (Amendment) Regulations 2006**.
- (2) These Regulations come into operation on 16 August 2006.

### New regulation 5A

2. The Patents Regulations 1986 [*P.U. (A) 327/1986*], which are referred to as the “principal Regulations” in these Regulations, are amended by inserting after regulation 5 the following regulation:

- 5A. (1) An international application shall be filed in three copies.
- (2) Where an international application is filed in less than three copies, the Patent Registration Office shall prepare the additional copies required and the applicant shall pay to the Patent Registration Office the prescribed fees for preparing such additional copies.”.

### New regulation 25A

3. The principal Regulations are amended by inserting after regulation 25 the following regulation:

- 25A. (1) An international application entering the national phase under section 780 or 780A shall be subject to the prescribed fees which shall be paid by using Patents Form No. 2A.
- (2) An applicant shall be deemed to have fulfilled the requirement of section 780(1) (a) or 780A(1) (a), as the case may be, if the international application in the English language has been made available by the International Bureau to the Patent Registration Office.”.

### **Amendment of regulation 27**

4. Regulation 27 of the principal Regulations is amended—

(a) by inserting after subregulation (1) the following subregulation:

“(1A) Notwithstanding subregulation (1), a request for a substantive examination of an international application which has entered the national phase shall be made to the Registrar in Patents Form No. 5 together with the payment of the prescribed fee within four years from the filing date of the international application.”; and

(b) in subregulation (2), by deleting the words “more than two years from the filing date of the application”.

### **Amendment of regulation 27A**

5. Regulation 27A of the principal Regulations is amended—

(a) by inserting after subregulation (1) the following subregulation:

“(1A) Notwithstanding subregulation (1), a request for a modified substantive examination of an international application which has entered the national phase shall be made to the Registrar in Patents Form No. 5A together with the payment of the prescribed fee within four years from the filing date of the international application.”; and

(b) in subregulation (2), by deleting the words “more than two years from the filing date of the application”.

### **Amendment of regulation 27B**

6. Regulation 27B of the principal Regulations is amended—

(a) by substituting for subregulation (2) the following subregulation:

“(2) For the purposes of section 29A(7) of the Act, the maximum period of deferment allowed—

(a) subject to regulation 27B(3), for the filing of a request under regulation 27 or regulation 27A, shall be five years from the filing date of the application; and

(b) for the provision of the information or documents required under regulation 27(3),

shall be five years from the filing date of the application.”; and

(b) by inserting after subregulation (2) the following subregulation:

“(3) Where the applicant is unable to file in a request for a modified substantive examination within the time period specified in paragraph (a) of subregulation (2), the applicant may file in a request for a substantive examination within three months from the expiry of the time period specified in that paragraph.”.

**Amendment of regulation 27C**

7. Subregulation 27C(6) of the principal Regulations is deleted.

**Amendment of regulation 27D**

8. Subregulation 27D(7) of the principal Regulations is deleted.

**Amendment of Schedule I**

9. Schedule I of the principal Regulations is amended—

(a) in Part I—

(i) by inserting after Item No. 2 and the particulars relating to it the following items:

(1) Item No.	(2) Matter/Proceeding	(3) Fee (RM)	(4) Corresponding Form
2A	Entering national phase (a) for first ten claims	200.00	Form 2A
2B	(b) for every additional claim Request for reinstatement under section 780A	10.00 per claim 500.00 per month of delay	Form 2A

and

(ii) by deleting Item No. 27 and the particulars relating to it;

(b) in Part II—

(i) by substituting for Item No. 4, 5, 6 and 7 and the particulars relating to them the following items:

(1) Item No.	(2) Matter/Proceeding	(3) Fee (RM)
4.	Certified copies or extract from Register	10.00 per page
5.	Copies or extract from Register	2.00 per page
6.	Fee for public inspection of information relating to patent application	10.00 per hour
7.	Certified copies or extract of any information –	
	(a) for first five pages	10.00 per page
	(b) for every additional page	2.00 per page

(ii) in Item No. 8, by deleting the proviso “Provided that the duration of a patent shall not exceed twenty years from the filling date of the application”;

(iii) in Item No. 12 by deleting the proviso “Provided that the duration of a certificate for a utility innovation shall not exceed twenty years from the filling date of the application”;

(iv) by inserting after Item No. 15 and the particulars relating to it the following item:

(1) Item No.	(2) Matter/Proceeding	(3) Fee (RM)
“15A.	Examination Fee	100.00 per subject”; and

(v) by inserting after Item No. 21 and the particulars relating to it the following item:

(1) Item No.	(2) Matter/Proceeding	(3) Fee (RM)
“22.	Fee for preparing international application	2.00 per page”; and

(c) by inserting after Part II the following Part:

### “PART III

(1) Item No.	(2) Matter/Proceeding	(3) Fee (RM)
1.	Transmittal fee under Rules 14 and 19 of the Regulations under the Treaty:	
	(a) for the first 30 sheets	375.00
	(b) for each sheet in excess of 30 sheets	45.00 per sheet
2.	Fee for the late furnished of transliteration for the purposes of international search	25% of the international filing fee prescribed under the Treaty
3.	Fee for the late furnished of transliteration for the purposes of international publication	25% of the international filing fee prescribed under the Treaty
4.	Late payment fee under Rule 16bis.2 of the Regulations under the Treaty	(i) 50% of the amount of unpaid fees; or (ii) An amount equal to the transmittal fee; Whichever is the higher provided that the amount of late payment fees shall not exceed 50% of the international filing fee prescribed under the Treaty
5.	Fee for complying with national requirement in response to the invitation	RM1000.00".

## Amendment of Schedule II

10. Schedule II of the principal Regulations is amended by inserting after Patents Form No. 2 the following Form:

Patents Form No. 2A PATENTS ACT 1983  FEE FOR ENTERING THE NATIONAL PHASE [Regulation 25A]  To: The Registrar of Patents Patent Registration Office	For Official Use  Fee received on..... Amount..... *Cheque/Postal Order/Money Order/Draft/ Cash/No.....
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Kuala Lumpur Malaysia	
Please submit this Form in duplicate together with the prescribed fee and/or reinstatement fee for international application.	Applicant's or Agent's file reference .....
<p>I. APPLICANT:</p> <p>Name: .....</p> <p>Address: .....</p> <p>.....</p> <p>.....</p>	
<p>II. THE APPLICANT(S) REQUEST(S) ENTRY INTO THE NATIONAL PHASE IN ACCORDANCE WITH:</p> <p>*SECTION 780 <input type="checkbox"/></p> <p>*SECTION 780A <input type="checkbox"/></p> <p>INTERNATIONAL APPLICATION NO.:</p> <p>.....</p>	
<p>III. AGENT</p> <p>Applicant has appointed a patent agent in the accompanying Patents Form No. 17</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p>Agent's Registration No.:</p> <p>.....</p>	
<p>SIGNATURE.....</p> <p style="text-align: center;">**(Applicant/Agent)</p> <p style="text-align: right;">.....</p> <p style="text-align: right;">(Date)</p>	

If Agent, indicate Agent's Registration No: .....
For Official Use
Date application received: .....

\*Tick whichever is applicable

\*\*Type name under signature and delete whichever does not apply.”.

Made 15 August 2006  
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DATUK HAJI MOHD. SHAFIE BIN HAJI APDAL  
*Minister of Domestic Trade and Consumer Affairs*