



LAWS OF MALAYSIA

Act A1138

TRADE MARKS (AMENDMENT) ACT 2002

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LAWS OF MALAYSIA**Act A1138****TRADE MARKS (AMENDMENT) ACT 2002**

An Act to amend the Trade Marks Act 1976.

[03 . 03 . 03]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Trade Marks (Amendment) Act 2002.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 3

2. The Trade Marks Act 1976 [*Act 175*], which in this Act is referred to as the “principal Act”, is amended in subsection 3(1)—

(a) by inserting after the definition of “mark” the following definition:

‘ “Minister” means the Minister for the time being charged with the responsibility for intellectual property;’;

- (b) by substituting for the definitions of ‘ “Registrar”, “Deputy Registrar” and “Assistant Registrar” ’ the following definition:

‘ “Registrar” means the Registrar of Trade Marks designated in subsection (1) of section 4;’;

- (c) by inserting after the definition of “assignment” the following definition:

‘ “Assistant Registrar” means the person appointed or deemed to have been appointed to be an Assistant Registrar under subsection (2) or (3) of section 4;’;

- (d) by inserting after the definition of “Convention country” the following definition:

‘ “Corporation” means the Intellectual Property Corporation of Malaysia established under the Intellectual Property Corporation of Malaysia Act 2002;’;

- (e) by inserting before the definition of “assignment” the following definition:

‘ “appointed date” has the same meaning as is assigned to that expression in the Intellectual Property Corporation of Malaysia Act 2002;’;
Act 617. and

- (f) by inserting after the definition of “Court” the following definition:

‘ “Deputy Registrar” means the person appointed or deemed to have been appointed to be a Deputy Registrar under subsection (2) or (3) of section 4;’.

Amendment of section 4

3. The principal Act is amended by substituting for section 4 the following section:

“Registrar,
Deputy
Registrars
and
Assistant
Registrars. 4. (1) The Director General of the Corporation shall be the Registrar of Trade Marks.

(2) The Corporation may appoint, on such terms and conditions as it may determine, from amongst persons in the employment of the Corporation, such number of Deputy Registrars of Trade Marks, Assistant Registrars of Trade Marks and other officers as may be necessary for the proper administration of this Act, and may revoke the appointment of any person so appointed or deemed to have been so appointed under subsection (3).

(3) The persons holding office as Deputy Registrars, Assistant Registrars and other officers under this Act before the appointed date who were given an option by the Government of Malaysia to serve as employees of the Corporation and have so opted shall on the appointed date be deemed to have been appointed as Deputy Registrars, Assistant Registrars and such other officers under subsection (2).

(4) Subject to the general direction and control of the Registrar and to such conditions or restrictions as may be imposed by the Registrar, a Deputy Registrar or an Assistant Registrar may exercise any function of the Registrar under this Act, and anything by this Act appointed or authorised or required to be done or signed by the Registrar may be done or signed by any Deputy Registrar or Assistant Registrar and the act or signature of a Deputy Registrar or an Assistant Registrar shall be as valid and effectual as if done or signed by the Registrar.

(5) The Registrar shall have a seal of such device as may be approved by the Corporation and the impressions of such seal shall be judicially noticed and admitted in evidence.”.

Amendment of section 8

4. Subsection 8(1) of the principal Act is amended by substituting for the words “as the Minister may by regulations prescribe” the words “and in accordance with such conditions as may be prescribed”.

Amendment of section 70c

5. Section 70c of the principal Act is amended in the definition of “authorised officer”, in paragraph (b), by substituting for the words “any officer” the words “any public officer or any person in the employment of the Corporation”.

Amendment of section 70E

6. Paragraph 70E(1)(a) of the principal Act is amended by substituting for the word “Government” the word “Registrar”.

Amendment of section 70I

7. Section 70I of the principal Act is amended—

(a) in subsection (1), by deleting the words “to the Government”; and

(b) in subsection (3), by deleting the words “to the Government”.

Amendment of section 70L

8. Section 70L of the principal Act is amended—

(a) in paragraph (1)(c), by deleting the words “to the Government”; and

(b) in subsection (3), by substituting for the words “Government or any statutory authority” the words “Registrar or any authority”.

Amendment of section 70M

9. Section 70M of the principal Act is amended by deleting the words “to the Government”.

Amendment of section 70N

10. Subsection 70N(1) of the principal Act is amended by substituting for the word “Government” the word “Registrar”.

Saving provisions

11. (1) The amendments to sections 4 and 8 of the principal Act shall not affect any application for registration of a trade mark or for registration as a registered user or registration of a trade mark or a registered user, as the case may be, made under the principal Act before the appointed date and the amended provisions shall apply to the application or registration, as the case may be, as if the provisions had not been so amended.

(2) Sections 5, 6, 7, 8, 9 and 10 of this Act shall only apply on and after the appointed date.

