



24 Jun 2013
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P.U. (A) 182

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN REKA BENTUK PERINDUSTRIAN
(PINDAAN) 2013

INDUSTRIAL DESIGNS (AMENDMENT) REGULATIONS 2013



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PUBLISHED BY
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ATTORNEY GENERAL'S CHAMBERS

INDUSTRIAL DESIGNS ACT 1996

INDUSTRIAL DESIGNS (AMENDMENT) REGULATIONS 2013

IN exercise of the powers conferred by section 47 of the Industrial Designs Act 1996 [Act 552], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Industrial Designs (Amendment) Regulations 2013**.

(2) These Regulations come into operation on 1 July 2013.

Amendment of regulation 21

2. The Industrial Designs Regulations 1999 [P.U. (A) 351/1999], which are referred to as the “principal Regulations” in these Regulations, are amended by substituting for regulation 21 the following regulation:

“Particulars to be entered in the Register

21. The Registrar shall enter the particulars relating to each industrial design in the Register such as follows:

- (a) the date of registration;
- (b) the priority date, if any, accorded pursuant to a claim to a right to priority under section 17 of the Act and the name of the country or territory concerned;
- (c) the name, address and address for service of the owner;
- (d) the registration number;
- (e) a representation of the industrial design;

- (f) the statement of novelty relating to the industrial design;
- (g) particulars of the title or interest affecting the industrial design under section 30 of the Act, if any;
- (h) an entry made under subregulation 26(2);
- (i) the date on which the industrial design expired, lapsed, revoked, cancelled or invalidated;
- (j) the name of the agent appointed in accordance with regulation 32, his address or the address for service, if any; and
- (k) such other particulars as the Registrar thinks fit to enter in the Register.”.

Amendment of regulation 22

3. Regulation 22 of the principal Regulations is amended by substituting for the word “*Gazette*” the words “*Official Journal*”.

Amendment of regulation 23

4. Regulation 23 of the principal Regulations is amended in subregulation (1), by substituting for the words “*within six months*” the words “*at any time*”.

Amendment of regulation 26

5. The principal Regulations are amended by substituting for regulation 26 the following regulation:

“Application to record assignment, etc.

26. (1) An application to register particulars of the title or interest under subsection 30(1) of the Act shall—

- (a) be made to the Registrar in ID Form 5;

- (b) be accompanied by—
- (i) a prescribed fee; and
 - (ii) a certified copy of the assignment, transmission, operation of law or security transaction, as the case may be; or
 - (iii) such other evidence as the Registrar deems as sufficient proof of the transaction.

(2) The Registrar may require the applicant to furnish such other document, instrument or information in support of the application as the Registrar thinks fit within such time as the Registrar may specify.

(3) The applicant may apply to the Registrar for an extension of time in Form ID 13 before the expiry of the time specified by the Registrar referred to in subregulation (2) or any extended period previously allowed by the Registrar.

(4) Where the transaction is effected by an instrument chargeable with duty, the granting of the application shall be subject to the Registrar being satisfied that the instrument has been duly stamped.

(5) An application to amend any particulars of the title or interest affecting the industrial design under subsection 30(1) of the Act shall be made in Form ID 9.

(6) If the Registrar is satisfied that the application is completed, the Registrar shall make such entry in the Register as he thinks fit.”

Amendment of regulation 28

6. Regulation 28 of the principal Regulations is amended—

(a) in subregulation (1), by substituting for the words “notice of motion” the words “originating summons”; and

(b) in subregulation (3), by substituting for the word “*Gazette*” the words “Official Journal”.

Amendment of regulation 30

7. Regulation 30 of the principal Regulations is amended in subregulation (3), by substituting for the word “*Gazette*” the words “Official Journal”.

Amendment of regulation 36

8. Regulation 36 of the principal Regulation is amended in paragraph (1)(a), by substituting for the words “Rules of the High Court 1980 [*P.U. (A) 50/80*]” the words “Rules of Court 2012 [*P.U. (A) 205/2012*]”.

Amendment of regulation 45

9. Regulation 45 of the principal Regulations is amended by substituting for the word “uncertified” the word “duplicate”.

Amendment of First Schedule

10. The First Schedule to the principal Regulations is amended in item 14, by substituting for the word “uncertified” wherever appearing the word “duplicate”.

Amendment of Second Schedule

11. The Second Schedule to the principal Regulations is amended—

(a) by substituting for ID FORM 5 the following form:

"ID FORM 5

INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA

Industrial Designs Act 199
Industrial Designs Regulations 1999
(Section 30 and Regulation 26)

Industrial Designs Registration Office

APPLICATION TO RECORD THE ASSIGNMENT, TRANSMISSION, OTHER OPERATION OF LAW OR SECURITY INTEREST TRANSACTION TO:

- (i) A REGISTERED INDUSTRIAL DESIGN;**
- OR**
- (ii) APPLICATION FOR REGISTRATION OF AN INDUSTRIAL DESIGN**

1. Application number (for official use only):

2. Registration number(s):
Give the total number if more than one.

3. Full name and address of the/each applicant/owner of the industrial design as currently recorded on the Register or application(s):

4. Full name and address of the/each person making this application:
(Leave blank if this information is the same as given in column 3)

5. Grounds for this application:

A certified copy of the document of the assignment, transmission, other operation of law or security interest transaction shall be enclosed.

Please state where relevant

- | | |
|---|--|
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Other operation of law | <input type="checkbox"/> Security Interest Transaction |

Give details including the date and the names of all the parties involved, including for corporate bodies, the country and, if appropriate, state of incorporation.

Name:

Date:

6. Name of the agent (if applicable):

Address for service in Malaysia to which correspondence should be sent:

7. Declaration:

(Name of each signatory should be entered, and status, if relevant)

I/We declare that where the industrial design right exists in the/each industrial design mentioned in column 2, the persons(s) entitled to any interest which the applicant is seeking to register by this application is/are also entitled to the corresponding interest in the industrial design right.

(Delete whichever is not applicable)

Signature(s)

Date

8. Name and telephone number of person to contact in Malaysia:

_____";
and

(b) by substituting for the word "uncertified" in ID Form 14 wherever appearing the word "duplicate".

Made 12 June 2013
[KPDN (MYIPO); PN(PU2)588/III]

DATO' HASAN BIN MALEK
*Minister of Domestic Trade,
Co-operatives and Consumerism*