

TRADEMARKS UPDATE

10 October 2019

MADRID PROTOCOL FILINGS TO COMMENCE FOR MALAYSIA FROM 27 DEC 2019

MALAYSIA ADOPTS THE MADRID PROTOCOL

On 27 September 2019, Malaysia deposited with the World Intellectual Property Organization its instrument of accession to the Madrid Protocol. This makes Malaysia the 106th member of the Madrid System, which now covers 122 countries.

From 27 December 2019, local trade mark owners in Malaysia can begin using the Madrid Protocol to protect their marks in the 122 countries of the System's other 105 members by filing a single international application and paying a single set of fees.

Correspondingly, foreign trade mark owners can also seek trade mark protection through the Madrid Protocol when applying to register their trade marks their products and services in Malaysia.

CHANGES TO THE MALAYSIAN TRADEMARKS LEGISLATION

As a result of the Madrid Protocol entering into force for Malaysia on 27 December 2019, the Malaysian Trademarks Act 2019 and the Malaysian Trademarks Regulations 2019 are also expected to come into force on the same day.

The Malaysian Trademarks Act 2019, which will replace the current Malaysian Trademarks Act 1976, will also provide for non-conventional trade marks such as shapes, sounds, smells, and position marks to be registered, as well as permit multi-class filings, thereby allowing trade mark proprietors to file for registration of their trade marks in multiple classes of goods and services in a single application.

Drew & Napier LLC are committed to assisting our clients in their trade mark filing and protection in Malaysia (in addition to Singapore, Indonesia, Philippines, Vietnam, Myanmar and Brunei in the region). If you are interested to know more about seeking protection for your trade mark in any of these countries, please contact our Intellectual Property Managing Director **Tony Yeo**, and Intellectual Property Directors **Yvonne Tang** and **Lim Siau Wen**.

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