

Chapter 8

INTELLECTUAL PROPERTY



LEARNING

OBJECTIVES

- To explain the functions of WIPO & MYIPO.
- To discuss the IP Legislation in Malaysia.
- To discuss the licensing of IP Rights.

8.1. The History of Intellectual Property Rights (IPR).



INTELLECTUAL PROPERTY ?

Intellectual Property (IP) represents the legal rights that protect “the creations of the mind”. These creations contribute to innovation, creativity, & commerce. IP offers exclusive rights to their creators or owners.

The scope of IP includes:

1. Inventions
2. Literary & Artistic Works
3. Symbols, Names, Images, & Designs.

8.1. The History of Intellectual Property Rights (IPR).

TYPES OF IP



- INDUSTRIAL
PROPERTY:
PATENTS,
INDUSTRIAL
DESIGNS,
TRADEMARKS



- LITERARY &
ARTISTIC
WORKS:
COPYRIGHT



- OTHER IP:
•TRADE SECRETS,
GEOGRAPHICAL
INDICATIONS

What is IP rights?

- Intellectual Property (IP) rights are legal protections granted by governments to creators, inventors, & businesses for their intellectual creations.
- These rights provide the owner with **exclusive control** over how their IP is used, for a specified period of time.
- IP rights can promote creativity & innovation by providing a legal protection to creators & inventors over their intangible assets.
- This allows creators & investors to earn money from their investment & protect their work from unauthorized use.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

- A specialized agency of United Nations (UN) that administers all IP matters. The HQ is in Geneva, Switzerland.
- Established in 14 July, 1967, operational from 1970.

Key Roles

- Administers 28 IP treaties for its 193 member nations.
- Works to harmonize global IP laws & resolve trade-related IP issues. (Nations have different IP laws & enforce them differently).
- Collaborates with organizations like WTO, WHO, EU & ASEAN.

Historical Background

- Originates from:
 - Paris Convention (1883): Protection of Industrial Property.
 - Berne Convention (1886): Protection of Literary & Artistic Works.
- Became a UN agency in 1974.

8.2. The Roles Of WIPO.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) WEBSITE

WIPO

English ▾



[IP Portal login](#)

[Understand & Learn](#) ▾ [Find & Explore](#) ▾ [Protect & Manage](#) ▾ [Partner & Collaborate](#) ▾ [About WIPO](#) ▾



WIPO Magazine

'Painting' with data: how media artist Refik Anadol creates art using generative AI

The **World Intellectual Property Organization (WIPO)** serves the world's innovators and creators, ensuring that their ideas travel safely to the market and improve lives everywhere.

[Read more about our Organization →](#)

8.3. The Function Of MYIPO.

THE INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MYIPO)

- MyIPO: The Intellectual Property Corporation of Malaysia.
- Responsible for the development & management of Malaysia's intellectual property system.

Key Functions:

1. Administers & Enforces all IP matters: Ensures compliance with Malaysia's IP legislation.
2. Supports IP Growth: Promotes the use & protection of IP in Malaysia.

Government Affiliation:

- Operates under the Ministry of Domestic Trade, Co-operatives, & Consumerism.

8.3. The Function Of MYIPO.

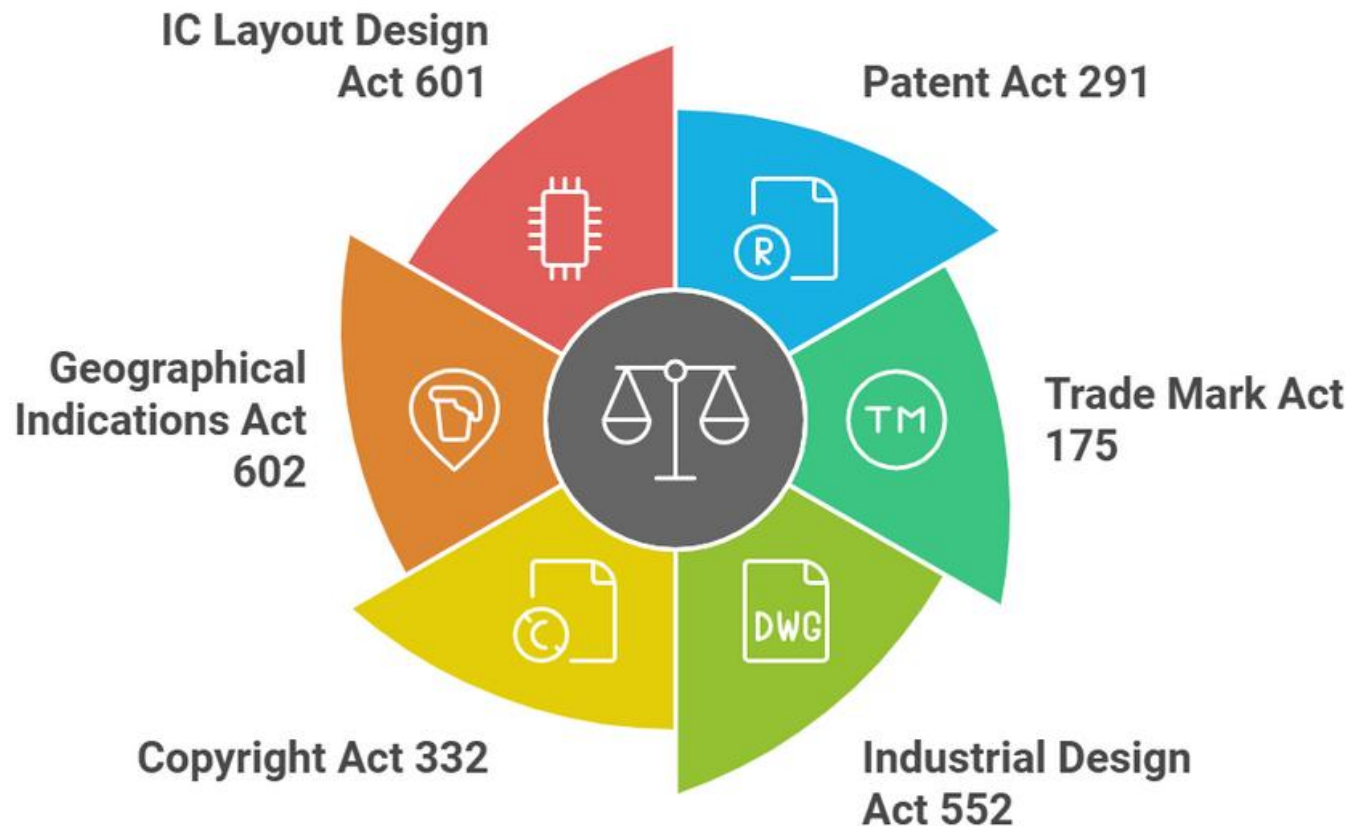
THE INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MYIPO)

The screenshot displays the official portal of the Intellectual Property Corporation of Malaysia (MyIPO). At the top, there are social media icons and navigation links for FAQ, Contact Us, Complaints & Feedback, and Sitemap. The header features the Malaysian coat of arms and the MyIPO logo, followed by the text "The Official Portal of INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MyIPO)". Below this is a horizontal navigation bar with links for ABOUT US, PATENT, TRADEMARK, INDUSTRIAL DESIGN, GEOGRAPHICAL INDICATION, COPYRIGHT, IC LAYOUT DESIGNS, and DIRECTORY. A search bar is located below the navigation bar, with a placeholder text "Search : eg. How to register my logo?". Below the search bar is a yellow button labeled "REGISTER YOUR TRADEMARK HERE". The main content area is divided into several sections: 1. A large advertisement for office space, featuring a modern building and text in Malay: "RUANG NIAGA DAN PEJABAT UNTUK DISEWA" (Office Space for Rent), "Kemudahan Fasiliti" (Facility Convenience), and "KADAR SEWA BERMULA DARIPADA RM5.00 SEKAKI PERSEGI" (Rent starts from RM5.00 per square foot). 2. A section for "TISC MALAYSIA" (Trademark Information System of Malaysia). 3. A section for "ONLINE SERVICES" showing a hand pointing at a screen with a network diagram. 4. A section for "MADRID THE INTERNATIONAL TRADEMARK SYSTEM". 5. A section for "IPR marketplace" (Intellectual Property Rights marketplace). 6. A section for "Akademi Harta Intelek Intellectual Property Academy" (IP ACADEMY).

8.3. The Function Of MYIPO.

THE INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA (MYIPO)

Malaysia's IP Legislation



IP LEGISLATION IN MALAYSIA



Patent Acts 291 (1983) (Amendments & Regulations)



Trade Mark Acts 175 (1976) (Amendments & Regulations)



Industrial Design Acts 552 (1996) (Amendments & Regulations)



Copyright Acts 332 (1987) (Amendments & Regulations)



Geographical Indications Acts 602 (2000) (Amendments & Regulations)



IC Layout Design Acts 601 (2000)

8.4 Patents & Utility Innovation

The word patent originates from the Latin *patere*, which means "to lay open" (i.e., to make available for public inspection).

An exclusive right granted for an invention that:

- Offers a new way of doing something.
- Provides a technical solution to a problem.
- Allows the inventor to exclude others from using or selling the invention for a limited period.

Key Features

- **Public Disclosure:** The invention must be made available for public knowledge.
- **Exclusive Rights:** Protects the inventor from unauthorized use.

Period of Protection

- 20 years from the filing date.

8.4 Patents & Utility Innovation

Patentable Inventions	Non-Patentable Inventions
New: Not disclosed publicly in any form, anywhere in the world.	Discoveries, scientific theories, and mathematical methods.
Involves an inventive step: Not obvious to experts in the field.	Plant or animal varieties or natural biological processes (except man-made microorganisms).
Industrially applicable: Can be mass-produced or used in industry.	Schemes, rules, or methods for business, mental acts, or games.
	Methods for treating human or animal bodies via surgery, therapy, or diagnostics.

8.4 Patents & Utility Innovation

What is Utility Innovation?

- An exclusive right granted for "minor" inventions.
- Does not need to meet the strict inventiveness criteria of patents.

Target Group:

- Local individual inventors: Innovators with small-scale or incremental improvements.
- Students: Encourages creativity and innovation in academic settings.
- Local SMEs: Supports small and medium enterprises in protecting practical inventions.

Period of Protection:

- Initial 10 years.
- Renewable for 5 + 5 years, subject to use.
- (Total: 20 years of protection)

Eg; Utility Innovation

- Smart Book Holder with Adjustable Lighting

Why it qualifies as Utility Innovation:

- It is a minor incremental improvement over existing products/processes.
- Adds practical functionality without requiring a high level of inventiveness.

8.5 COPYRIGHT

- **Copyright** is defined as **legal protection for authors, owners, and performers under the Copyright Act 1987.**
- Protects **literary, musical, artistic, and other creative works.**

Key Rights of Copyright Owners

1. Legal Rights:

- Control reproduction, public performance, communication, distribution, and commercial rental of their works.

2. Economic Rights:

- Earn financial benefits from their work.

3. Moral Rights:

- Protect the creator's reputation and recognition

Duration of Copyright

- Literary, Musical, Artistic: Life of the author + 50 years.
- Films, Sound Recordings, Performers: 50 years from publication or performance.
- Broadcasts: 50 years from the first transmission.

8.5 COPYRIGHT

Copyright Protection

Musical Works

Covers songs and musical scores, safeguarding auditory compositions.

Artistic Works

Includes paintings and sculptures, ensuring visual art protection.

Literary Works

Encompasses books, poems, and articles, protecting written expressions.

Other Works

Protects films, sound recordings, broadcasts, and derivative works.



8.5 COPYRIGHT

Advantages of Copyright	Disadvantages of Copyright
Enables the copyright holder to sue infringers in federal court.	Registration takes time and incurs costs.
Serves as proof of ownership, shifting the burden of proof to the infringer.	Some critics argue copyright stifles creativity by restricting the use of existing works.

8.6 TRADEMARKS

- **A word, symbol, design, or logo identifying the source of goods or services.**
- Protects brands and logos from unauthorized use or imitation.
- Examples: Logos on product packaging or brand names.

Functions of a Trademark:

- 1.Origin: Identifies the source of products or services.
- 2.Choice: Helps consumers select goods/services easily.
- 3.Quality: Indicates known quality standards.
- 4.Marketing: Vital for advertising and brand recognition.
- 5.Economic: Trademarks can be licensed or franchised.

Importance of Registration:

- **Exclusive Rights:** Owners can take legal action against infringement.
- **Legal Evidence:** Registration certificate proves ownership internationally.

Validity:

- 10 years, renewable every 10 years.

8.6 TRADEMARKS

Acceptable and unacceptable trade marks

Trade mark	Why is it acceptable
FARNOOZ	This is an invented word, arguably the most distinctive of all trade marks
emarno WINDOWS	This trade mark includes the invented word "emarno". Although the word "windows" is totally descriptive of goods and services relating to windows the word "emarno" is totally distinctive and this results in an acceptable trade mark
Danryvol	Another invented word
Herringbone Finance	Although this mark consists of two well known words the word "Herringbone" is acceptable for financial services. However, the word "Herringbone" would not be acceptable for e.g. textiles because it is a type of pattern.

8.6 TRADEMARKS

Acceptable and unacceptable trade marks

Trade mark	Why is it unacceptable
7 days a week	These days many traders advertise that their goods or services are available seven days a week
Tasty food	If you are trading in food, these two words simply describe a quality of your goods. Joining the two words together does not make the mark as a whole acceptable
TOYS direct	The word "direct" describes goods or services sold directly to the public and it is widely used by traders.
The one for you	Slogans such as this are often used in trade and are not distinctive

8.6 TRADEMARKS

				Brand	Industry
				Oil&Gas	
					Banks
				Telecommunications	
					Entertainment
				Banks	
					Electric
				Telecommunications	
					Banks
				Holding Companies	
					Airlines

8.7 INDUSTRIAL DESIGN

- Focuses on the ornamental (shape, patterns, or decorative elements that make the product visually distinct) or aesthetic (work of art) aspects of an article.
- Includes:
 - 3D features: Shape and configuration.
 - 2D features: Pattern and ornamentation.
- Must be applied through an industrial process and appeal to the eye.

Protection & Rights

- Owners have the exclusive right to:
 - Make, import, sell, or hire the design.
- Consent is required for others to use the design.

Duration of Protection

- Initial Protection: 5 years from filing.
- Renewals: Four terms of 5 years each.
- Maximum Duration: 25 years.

9.7 INDUSTRIAL DESIGN

Pattern and Ornamentation (2D)



Shape and Configuration (3D)



8.8 GEOGRAPHICAL INDICATIONS

- A sign identifying goods as originating from a specific country, region, or locality.
- The quality, reputation, or characteristics of the goods are linked to their geographical origin.

Types of Goods Covered

- Natural products: Example: Himalayan salt.
- Agricultural products: Example: Basmati rice.
- Handicrafts or industrial products: Example: Murano glass from Italy.

Period of Protection

- 10 years from the date of filing.
- Renewable every 10 years.

No.	Geographical Indication	No.	Geographical Indication
1	Sarawak Pepper	31	Kain Songket Melaka
2	Sabah Tea	32	Isau Sarawak
3	Borneo Virgin Coconut Oil	33	Durian Nyekak Sarawak
4	Tenom Coffee	34	Ikan Terubok Mulut Besar Sarawak
5	Sabah Seaweed	35	Bentong Ginger
6	Bario Rice	36	Keningau Cinnamon
7	Buah Limau Bali Sungai Gedung	37	Tuhau Tambunan
8	Pisco	38	Sabah Batik
9	Scotch Whisky	39	Kelarai, Ulu Tomani Tenom
10	Sarawak Beras Biris	40	Batik Terengganu
11	Sarawak Beras Bajong	41	Tembaga Ladang
12	Kuih Lidah Kampung Berundong Papar	42	Ukiran Kayu Besut
13	Tambunan Ginger	43	Keropok Losong
14	Sarawak Sour Eggplant	44	Keropok Lekor Terengganu
15	Sarawak Layered Cake	45	Pulau Duyong Boat
16	Sarawak Dabai	46	Nasi Dagang Terengganu
17	Cognac	47	Malaysia Durian Musang King
18	Parmigiano Reggiano	48	Belacan Sibuti
19	Langkawi Cheese	49	Buah Tarap, Sibuti (Buah Lomak)
20	Sarawak Litsea	50	Daun Sabong, Sibuti (Daun Bagok)
21	Perlis Harumanis Mango	51	Timun Dayak Sibuti
22	Champagne	52	Sarawak Midin
23	Belacan Bintulu	53	Kuih Cincin Kampung Melugus Papar
24	Sesar Unjur Sarawak	54	Barolo
25	Umai Sarawak	55	Tequila
26	Tenun Pahang Diraja		
27	Biskut Dan San Sungai Lembing		
28	Kacang Goreng Sempalit		
29	Gaharu Gopeng		
30	Terengganu Songket		

8.9 LAYOUT-DESIGN OF AN INTEGRATED CIRCUIT

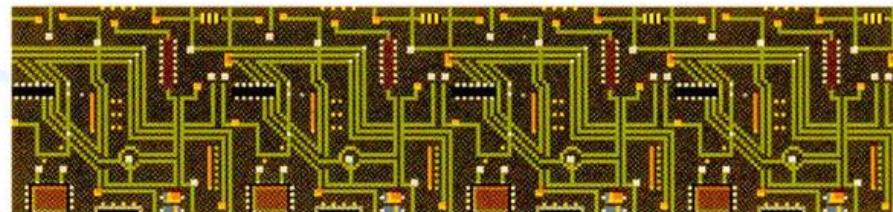
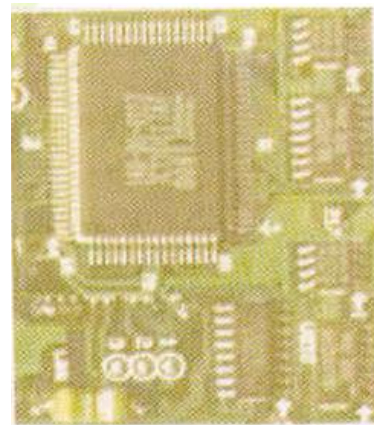
- The 3D arrangement of elements and interconnections in an integrated circuit (IC).
- Designed for manufacturing purposes.

What is an Integrated Circuit (IC)?

- Also known as a chip or microchip.
- A semiconductor wafer containing thousands or millions of components like:
- Resistors, capacitors, transistors.

Functions of an IC:

- Amplifier.
- Oscillator.
- Timer.
- Counter.
- Computer memory



8.10 LICENSING INTELLECTUAL PROPERTY RIGHTS

- Allowing others to use your IP in exchange for payment (license fees) or selling the rights.

Benefits of Licensing:

- Cost Savings: Reduces or eliminates production and distribution costs.
- Market Expansion: Access to a larger audience or geographic market.
- Increased Applications: Exploit IP in new uses or industries.
- Standardization: Helps establish industry standards.
- Access to Technology: Gain access to complementary innovations.
- Competitive Advantage: Block competitors or convert them into allies/defenders.

CONCLUSION

- IP rights are critical for economic, cultural, and technological growth, ensuring fair rewards for creators and innovators
- Effective management and protection of IP are critical for personal, corporate, and national growth in today's knowledge-driven economy.

THANK
YOU!