

Shearn Delamore & co.

INTELLECTUAL PROPERTY — FAQs on IP Prosecution Measures relating to the Extended “Movement Control Order” in Malaysia

In conjunction with the further extension of the Movement Control Order (“MCO”) from **1 April 2020 until 14 April 2020** (“**extended MCO**”) the Malaysian Intellectual Property Office (“MYIPO”) had released further notification [in addition to its earlier notification (“**Earlier Notification**”)] on how to deal with the prosecution of intellectual property (“IP”) where deadlines fall within the extended MCO and/or where manual filings are not possible. In this regard, we have summarised the notifications in the form of common FAQs as follows:

Is MYIPO open during the extended MCO?

The Customer Service Counter at MYIPO’s headquarters and all MYIPO branches office in Malaysia will remain closed during the extended MCO.

In light of the closure of MYIPO during the extended MCO,

- i. the delivery and receipt of all physical documents will not be accepted by MYIPO; and
- ii. all manual filings will not be available.

How do we file new applications and preserve priority dates during the extended MCO?

Patent

Online filings for patent applications are still available during the extended MCO and you may continue to instruct us in the usual manner.

For the filings of new PCT applications, the said filings can be done via WIPO’s IP Portal at <http://pct.wipo.int>. The steps for applicants to create their own accounts in the said Portal can be found at <https://www3.wipo.int/login/help.jsp?lang=en>. Applicants can then choose “*Malaysia*” to be the “*Receiving Office*” and the said applications will be forwarded to MYIPO for further examination.

Trademarks

Online filings are still available for new national trademark applications during the extended MCO and you may continue to instruct us in the usual manner.

For manual trademark applications involving Priority Date Claims (“PDC”) which will lapse during the extended MCO, the said applications can still be filed by **20 April 2020**. The extension of the PDC is only for the purposes of trademark searches and examinations only. It will not affect the date of application. Be that as it may, applicants are advised by MYIPO to file such applications manually on **15 April 2020** consistent with the requirement of Article 4(C)(3) of the Paris Convention — “*the first following working day*” vis-à-vis the extension of PDC.

What happens to renewal extensions falling during the period of this Order?

Patent

Renewals for patents or utility innovations, which fall during the period of **18 March 2020 until 14 April 2020**, will be extended to **30 April 2020**. However, payments can still be made via MYIPO's online portal.

Trademark

Renewals of trademarks which fall during the extended MCO will be extended until **30 April 2020**.

What happens to office action deadlines falling during the extended MCO?

All deadlines on office actions including office actions relating to appeals, oppositions and payments which are due during the extended MCO will be extended to **30 April 2020**. Late payment fees will not be charged for such cases.

Can IP searches still be conducted during the extended MCO?

Yes, searches can still be conducted online during the extended MCO and we are well-equipped to provide you with that service currently.

What about deadlines falling between the initial MCO from 18 March 2020 until 31 March 2020?

MyIPO under its Earlier Notification had allowed some deadlines to be extended until **1 April 2020** (for applications with priority date claims between **18 March 2020 and 31 March 2020** and international filings under the Madrid Protocol system) and **30 April 2020** (for office actions relating to appeals, oppositions and payments which are due during the initial MCO).

Deadlines for matters which were extended until **1 April 2020** under the Earlier Notification will be further extended to **15 April 2020**. Other deadlines remain. For further information, please refer to our [initial FAQ](#).

If you have any questions on your intellectual property matters, please do not hesitate to [contact us](#).

Written by:



[Michelle Loi Choi Yoke](#) (Partner)
Intellectual Property Practice Group
michelle.loi@shearndelamore.com



[Yap Khai Jian](#) (Senior Associate)
Intellectual Property Practice Group
yapkhaijian@shearndelamore.com



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