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Joint Press Statement of the IP Associations in Malaysia

We, the IP Associations herein, would like to take this opportunity to clarify the role that IP agents play in the IP eco-system in Malaysia and to address any negative perception in the light of the article published in Utusan Malaysia Online on 30 June 2015 entitled “*Daftar Sendiri Harta Intelek*” (“the said article”) where it was reported that the use of the services of agents in the registration process of IP had inflated the fees, thus becoming an obstacle for companies or inventors to protect the intellectual property rights in their products.

MIPA has sought clarification from the Chairman of the Board of MyIPO and the Chairman has clarified in writing that he did not urge members of the public not to use the services of Registered IP agents. We understand the concern the Chairman highlighted related to unregistered non-professionals or intermediaries who may well inflate the costs for obtaining IP rights.

Registered IP agents, namely trade mark, patent and/or industrial design agents who are qualified and registered with MyIPO, play an important role in contributing to the positive growth and maximizing the benefits of IP in Malaysia. Further, the use of a Registered IP agent’s services in helping the IP owner to maximise the potential of his IP can ultimately result in cost savings for applicants.

The process of obtaining registration and protection of IP rights such as patents and trade marks is not straightforward and the general public usually does not have the requisite knowledge and skill to ensure that their IP rights are protected to the fullest extent possible.

For example, the process of obtaining a patent is not merely filing up forms and filing the same at MyIPO. The Registered IP agent plays a crucial role here as they assist in conducting prior art searches, and providing drafting services and advice. Drafting an effective patent that will stand up in Court takes years of experience and we can provide many poor examples of applications that have not been prepared by an appropriately qualified agent – and often by the time the applicant realizes that there is a problem it is too late to resolve.

The Registered IP agent also plays an important role in assisting the trade mark owner in determining the scope of protection and enforceability of the registered mark. All too often applicants that file their own trade mark applications limit their rights unnecessarily and leave themselves open to trade mark infringers.

The role of a Registered IP agent is therefore important to ensure that the IP eco-system operates optimally resulting in cost-savings. There will be greater costs if the IP is not properly protected from the outset such that the rights can be traversed or the validity of the registration can be easily challenged by third parties. Fixing the problem at a later stage will usually end up in higher overall costs.

The scope of protection and the strength of a particular IP registration also play an important role as to how the IP will be valued. Malaysia is currently promoting IP valuation so it is important that the IP rights are professionally prepared by registered agents to ensure that they are strong and do not undermine the valuation system.

We accept that Applicants may wish to take on the risk of filing applications themselves without using a Registered IP agent. However, Applicants should be encouraged to seek professional advice from a Registered IP agent to ensure that their rights are properly protected. It should be noted that most Registered IP agents will provide the initial advice at no charge. A list of Registered IP agents is available

on MyIPO's website. The public should be cautious of using the services of agents who are not registered with MyIPO.

We are happy to work with MyIPO and engage with all other agencies or organizations to promote and maximize the growth of IP in Malaysia.

Press release by:

1. Malaysian Intellectual Property Association ("MIPA")
2. Asian Patent Attorneys Association (Malaysia) Berhad ("APAA")
3. ASEAN Intellectual Property Association ("ASEAN IPA")
4. Licensing Executives Society of Malaysia ("LESMA")
5. The International Association for the Protection of Intellectual Property ("AIPPI")
6. International Federation of Intellectual Property Attorneys ("FICPI")