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Special Interview with

**Minister of Domestic Trade,
Co-operatives and Consumerism**

IP Valuation

The Bigger Picture

**Retooling for the
New Economy**

**Accidental Inventions
and the Stories Behind Them**

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WELCOME

DELEGATES OF 42nd ASEAN WORKING GROUP ON INTELLECTUAL PROPERTY COOPERATION (AWGIPC) MEETING



18 - 22 NOVEMBER 2013 | LANGKAWI, MALAYSIA

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MyIPO welcomes any original and unpublished contributions which are of interest to IP experts, IP agents, academicians, corporate and professional bodies. Manuscript should be submitted in English or Malay language, ranging from 1,500 to 2,500 words and to be submitted in softcopy.

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Editor's Note

Dear readers,

This copy of MyIP Bulletin that you are holding in your hands is the fourth edition published by MyIPO, and it was first published as a platform to discuss various issues on intellectual property among intellectual property practitioners, academicians, corporate bodies and the public at large. It also serves as one of the tools to raise awareness on the importance of not only cultivating a culture of respecting intellectual property, it also aims to help establish the importance of protecting it, by inventors, innovators and users alike.

There is no specific theme for this edition, but a variety of articles was selected to be included this time. Among them, there is an interesting opinion article on the subject of "Retooling for the New Economy" written in the context of intellectual property and its many aspects of governance in the ASEAN region. This edition also shares inside on IP Valuation in a bigger picture that highlights IP as a business asset as well as a source of funding and security. Readers are also presented with stories behind some accidental inventions that range from healthcare, household items and favorite pastimes.

Last but not least, we would like to welcome the ASEAN delegates to the 42nd AWGIPC meeting that will be held in Langkawi from 18 to 22 November 2013. We hope that the meeting will be fruitful and beneficial to all of us.

Thank you,

MyIP Bulletin Editor

Interview with **YB Dato' Hasan Bin Malek**

Minister of Domestic Trade,
Co-operatives and
Consumerism



Q1

2013 marked a decade since the Intellectual Property Division of MDTCC was corporatized and known as Intellectual Property Corporation of Malaysia (MyIPO). This move was to empower the administration and development of IP in Malaysia. Do you think the Government has achieved the objective after ten years?

MyIPO celebrated its 10th Anniversary on 3 March this year. Ten years full of challenges and commendable achievements in terms of service delivery, awareness programme, legal infrastructure and international involvement. In the first year of its corporatisation, MyIPO was supported by 255 staffs. Now the workforce has increased more than 50% due to increasing workload. New divisions within MyIPO were set up to ensure the efficiency of IP administration in Malaysia.

The Government support the initiatives implemented by MyIPO to enhance the IP service delivery system. Our aim is to ensure that IP system in Malaysia will contribute effectively towards economic growth. MyIPO is committed to provide an efficient IP service that will boost investors confidence. For the past ten years, MyIPO has experienced a remarkable transformation. From manual services, MyIPO has offered new online services. The services enable applicants to file applications through MyIPO's website anywhere and at anytime at their own convenience. The applicants are also able to conduct online search and to check on the status of their applications without any hassle. These online services have received overwhelming response from the public since it was first introduced in 2010. MyIPO has recorded 485,163 online transactions from January till July this year.

MyIPO has introduced the Copyright Voluntary Notification System in 2012, a service that allows copyright owners to notify their works at MyIPO on voluntarily basis. The new IP Online Journal has officially started in June this year which provides an easy access to IP information in digital form. This is also one of the efforts to ensure IP information is disseminated effectively.

Another significant achievement is the improvement of pendency period for processing IP registration. MyIPO has reduced patent processing period from 42 months in 2009 to 26 months in 2011. While for trade mark, the processing period has been reduced from 24 months in 2009 to 12 months in 2011. MyIPO has also introduced expedited examination for patent and trade mark in February 2011. Patent can be granted within 20 months and trade mark can be registered within six months and three weeks respectively (for clear cut cases only).

Apart from that, the implementation of new approaches in awareness programmes has proven MyIPO's ability to engage various levels of society in line with rapid technology changes. MyIPO has introduced new strategies such as knock-door approach, IP Mobile, IP Familiarisation Programme with Media, Networking with the Universities and Industries, publication of MyIP Bulletin, IP Mascot and IP Summer Camp for School Children. MyIPO has also intensified awareness programmes through social media network such as Facebook, Twitter and YouTube to reach out the younger generation.

To facilitate the public in reaching the IP services, four new branches were established in four zones namely the Southern Zone (Johor Bahru), East Coast Zone (Kuantan), Northern Zone (Pulau Pinang) and Central Zone (Melaka). Currently, MyIPO has six branches which include two branches in Kuching and Kota Kinabalu respectively. These branches are responsible to receive IP applications and also tasked to coordinate awareness programmes in collaboration with the respective state governments and local authorities.

With regards to legal infrastructure, two IP legislations went through major amendments. They are Copyright Act 1987 and Industrial Designs Act 1996. The amendments to the Copyright Act 1987, among others, include introduction of Copyright Voluntary Notification System, mechanism to regulate licensing body, expansion of Copyright Tribunal's jurisdiction and new provision on anti-camcording. The Industrial Designs Act 1996 includes the extension of protection term to 25 years, worldwide novelty, introduction of IP Official Journal and new provisions to facilitate IP collateralisation. These IP legislations were reviewed and amended to keep abreast with international standard and technology changes. IP is evolving and IP landscape will keep on changing at international and national level. I urge Malaysians to be prepared with new challenges and to support transformation plans initiated by the Government. The transformation plans aim to achieve a balance IP ecosystem.

The outcome of these successful initiatives is shown on the positive growth of IP applications. Between 2003 and 2012, the average application growth is 6.2%. This is the result of MyIPO's continuous effort and commitment in empowering the administration and development of IP in Malaysia.

In order to be at par with international standards, Malaysia has acceded to the Trade Related-Aspect of Intellectual Property Rights Agreement (TRIPs) administered by World Trade Organisation (WTO). Malaysia is also a member of World Intellectual Property Organisation (WIPO) Convention and has acceded to seven conventions/agreements/treaties namely, (i) Paris Convention for the protection of industrial property; (ii) Berne Convention for the protection of copyright and related rights; (iii) Patent Cooperation Treaty relating to international filing for patent; (iv) Nice Agreement concerning goods and services classification for trade mark; (v) Vienna Agreement concerning figurative elements for trade mark; (vi) WIPO Copyright Treaty; and (vii) WIPO Performances and Phonogram Treaty. These conventions/agreements/treaties are administered by WIPO.

Q2

National IP Policy was launched in 2007, six years has past and as YB. Dato' mentioned earlier, IP is evolving and IP landscape will keep on changing at international and national level. Does this NIPP still relevant and what is the next step to ensure the NIPP is able to cater the current development?

The Government has studied the development of IP in developed countries to formulate the National IP Policy (NIPP). The scope of NIPP covers a wide range of areas underlined in eight objectives. The objectives are (i) highest standard of IP protection system; (ii) promotion of IP-generated activities; (iii) promotion of commercial exploitation of IP; (iv) development of IP management capabilities; (v) development of infrastructure of IP transaction; (vi) protection of national IP interest; (vii) human resource development and public awareness; and (viii) promotion of foreign investment and technological transfer.

The success of NIPP requires various ministries, agencies and industries to adopt and implement the IP initiatives. NIPP serves as a platform to initiate strategies in developing and managing their IP successfully. The implementation of IP strategies will be continued by the respective ministries, agencies and industries toward enhancing economic, social and cultural prosperity as well as strengthening the nation's competitiveness.

In the near future, the Ministry intend to gather feedbacks on the present NIPP as well as to get further input from the stakeholders. I hope that this initiative will receive good support and positive response in enhancing the National IP Policy.

Q3

The Government has announced an allocation of RM19 million under the 2013 Budget for MyIPO to spearhead the pilot project on IP Valuation Training Programmes in order to create local IP valuers in the country. Could YB. Dato' elaborate further on the progress of this initiative?

IP is one of the important economic enablers in the transition of making Malaysia as a high income nation by 2020. The Government has identified that IP Valuation initiative is one of the tools to spur the economic development in Malaysia. Besides that, IP rights have surpassed tangible assets to become the principal contributor to the market value as in developed countries where IP transactions has been a practise among the industry players.

Under this initiative MyIPO has been tasked by the Government to formulate the IP Valuation Model and Training Module as well as to create IP market place in Malaysia. In implementing this initiative, the local and foreign IP experts have been engaged.

I am satisfied with the progress made by MyIPO with the launching of IP Valuation Training Module on 7 March 2013. It has placed Malaysia as the first ASEAN country to implement the course systematically. This shows that Malaysia is ready to move one step further in utilising IP as collateral and at par with the developed countries.

The first series of IP Valuation Training Programme took place from February until May 2013. It involved 23 participants from various backgrounds such as legal, accountancy, engineering and asset management. Participants were exposed to the introduction of IP rights, valuation methods, negotiation, IP management, drafting of practical valuation reports, and hands-on training. Participants who passed the IP Valuation Training Module Test received certificates of recognition from MyIPO and the World Trade Institute, University of Berne, Switzerland. The Government's continuous commitment to create more competent local IP valuers were seen in the second series of the programme which began in September and ends in October 2013.

It is my fervent hope for those qualified IP valuers to practise high integrity of transparency, accountability and good governance as well as applying professional ethics in disposing their responsibility to evaluate IP. I believe, with the level of professionalism shown by the IP valuers, it could convince the financial institutions to accept IP as collateral. In this regard, I urge the financial institutions as well as the industries to give their full support to this initiative which will be greatly beneficial to our nation.

Q4

Work from Home System is expected to be a normal form of employment in the coming years and MyIPO has implemented a pilot project on Work from Home which began on 1 October 2013. In YB. Dato's opinion, how will this new initiative contribute to MyIPO's productivity in the coming years?

The work from home system requires the efficiency of information and communications technology (ICT) system. MyIPO has improved its ICT system and I am confident that MyIPO will be able to execute this initiative successfully.

I am also flattered that this initiative has placed MyIPO as the pioneer among IP offices in the ASEAN region in processing IP application virtually. However, to ensure the success implementation of this initiative, the officers who work on examining the applications are required to produce extra 30 – 40% of examination output. The success of this pilot project will definitely contribute to MyIPO's productivity. At the same time, MyIPO will be able to retain experienced and skilled examiners which are an important asset for this organisation.

Q5

The Industrial Designs (Amendment) Act 2013 introduced a new provision relating to online gazette for industrial design to replace the Government Gazette Official Journal. How will this initiative benefit the public?

With the enforcement of Industrial Designs (Amendment) Act 2013 in July 2013, IP Official Journal becomes the official gazette system for publication of industrial designs information as required under the legislation. The system provides effective mechanism to allow the intellectual property owners to check on the intellectual property information via online. Besides that, it is also powered by new ways of efficient network, where service delivery system is enhanced.

I was made to understand that the online gazette will also be extended to patents, trade marks and geographical indications. It is my hope that the IP Official Journal will not only be utilised by the local stakeholders but also the international counterparts. I foresee that this new service will bring a new dimension to Malaysia's current IP landscape.

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Q6

MyIPO has amended the Copyright (Amendment) Act 2012 and the Industrial Designs (Amendment) Act 2013 which came into force on 1 March 2012 and 15 July 2013 respectively. For this year, the Government has also announced to review and amend the Trade Marks Act 1976 and Patents Act 1983. What is the significance of these amendments, and why is there a need for the review?

As I explained earlier, the IP landscape is evolving and we need to review and amend our IP laws accordingly to be at par with the international standard. The amendments must also take into account the need of the industries and domestic requirements.

For instance, the amendment of the Patents Act 1983 will focus on enhancement of patent procedures, to enable Malaysia to adopt flexibility under the Doha Declaration relating to access to medicine and to accede to the Budapest Treaty concerning depository of micro-organism for the purpose of patent application. As for the amendment of Trade Marks Act 1976, it will allow the registration of non-traditional mark such as sound and smell, enable Malaysia to accede to the Madrid Protocol, and adopt the Madrid System concerning international filing system for trade mark. The amendments will also include new provisions to facilitate IP collateralization and to introduce IP Online Journal as an official publication for both patents and trade marks. It will also ensure an effective IP protection system to facilitate the development of industries in Malaysia.

We can be assured that the Government recognizes IP as a business tool that can contribute towards economic growth. The Government is fully supportive on the implementation of initiatives relating to IP development in Malaysia. As a developing country, it is important to strike a balance between the need of the industries and the IP users. This is to ensure that the IP protection in Malaysia encourages more creativity and innovation without jeopardizing the interest of the right owners.

IP Valuation - The Bigger Picture



In today's global economy, intangible assets which encompass Intellectual Property ("IP") have surpassed tangible assets to become the principal contributor to the market value of the many major companies listed in the stock markets. Many studies and reports have demonstrated that such intangible assets now account for up to 75% of public companies' market capitalisation and that IP is fast becoming the major assets that create value and growth for companies.

As companies strive to be more innovative and competitive, they need more funds to conduct further research and developments. One of the sources available to them is their IP assets, they can leverage on their IP to secure external financing from banks, venture capitalists and other sources. These trends and developments raise the importance of IP valuation. Companies must be able to value their IP when estimating their own corporate value, when determining the royalty rates in licensing deals, and when estimating the value in a possible merger or acquisition. The ability to arrive at a value of IP assets allows Financial Institutions ("FIs") to assess these assets when IP is used for collaterals, and for investors to assess the value of the companies in order to make informed investment decisions. Lack of clear directions and guidelines in IP valuation will impede such efforts. Uncertainty surrounding valuation of intangible assets is the most significant obstacle in generating interests and activities from the FIs to recognise IP as collaterals for loans.

The Intellectual Property Corporation of Malaysia ("MyIPO") being the custodian of IP rights and protection in Malaysia, is fully cognisant of the above and that in knowledge-based economies, IP plays a critical role in business performance and economic growth. MyIPO has undertaken many fact-finding projects and held

conversations with various stakeholders to further understand and study the local and global landscapes in relation to IP valuation and IP financing. The findings have shown that a significant number of promising Malaysian businesses, particularly the small and medium enterprises' ("SMEs") most valuable assets are their intangible assets including IP and yet one of the most common challenges encountered is their inability to secure financing to innovate and expand their businesses based on their intangible assets. SMEs play a critical part in stimulating innovation and are often considered the backbone of economic health in any nation, and engines of growth and employment, an integrative approach to assist SMEs in unlocking the commercial potential of their IP assets will greatly accelerate the rate of SME growth.

While the main players for the development of IP valuation and IP financing would come from the private sectors, MyIPO believes that it has a pivotal role to play in facilitating efforts and cooperation among the stakeholders and industries. MyIPO firmly believes that having a proper IP Valuation Model and a holistic infrastructure to develop a sustainable and healthy IP Ecosystem would augur well for Malaysia's series of catalysts for national transformation, namely the Economic Transformation Programme (ETP), the New Economic Model (NEM), the Tenth Malaysia Plan (10MP) and the principles of 1Malaysia, People First, Performance Now.

The IP Ecosystem initiative would form one of the many deliverables of the key policy measures recommended under NEM to create a competitive, sustainable and innovative environment towards a high income, knowledge-based and a fully developed nation by 2020. The IP Ecosystem would move the nation closer to her aspiration to be a leading IP player in the region.



“ The major disadvantage of a market approach is the lack of availability of comparable industry data and transactions, the difficulty in identifying an exactly alike or even a similar IP asset. This approach, while relatively simple and useful if exact comparables are available, is usually used as a cross check for an income approach. ”

It would support the 10MP focus to be given to skills development programmes, R&D activities and venture capital funding geared towards promoting a higher level of innovation.

Further, as a testament to the Government's firm commitment to these initiatives, an allocation of RM200 million has been set aside in the 2013 Budget for an Intellectual Property Financing Fund scheme. The Government would provide a 2% interest rate subsidy and a guarantee of 50% of the IP rights value through the Credit Guarantee Corporation Malaysia Bhd ("CGC"), (misleading, might read as banks are bearing the rest of the guarantee amount). In anticipating a strong demand for highly skilled IP valuers, RM19 million has been allocated for IP valuers training programmes as well as the creation of a pilot IP marketplace.

IP valuation is often seen as a complex creature, many articles have been written about it and yet it is not

getting any simpler. Well, to put it in simple terms, IP valuation is a process to determine the monetary value of the particular IP, be it a trade mark, a patent or a copyrighted work. Some may say IP valuation is an art, some say it is part science, part art, regardless, the point is IP valuation is an emerging issue which we cannot ignore. IP valuation is relevant for a myriad of reasons – M&As, IP portfolio rationalisation and assessments, tax planning, transfer pricing, monetising IP including licensing and franchising, JV, sale and purchase of business or IP asset, technology transfer, collateral in financing or IP-backed securitisation, litigation or liquidation.

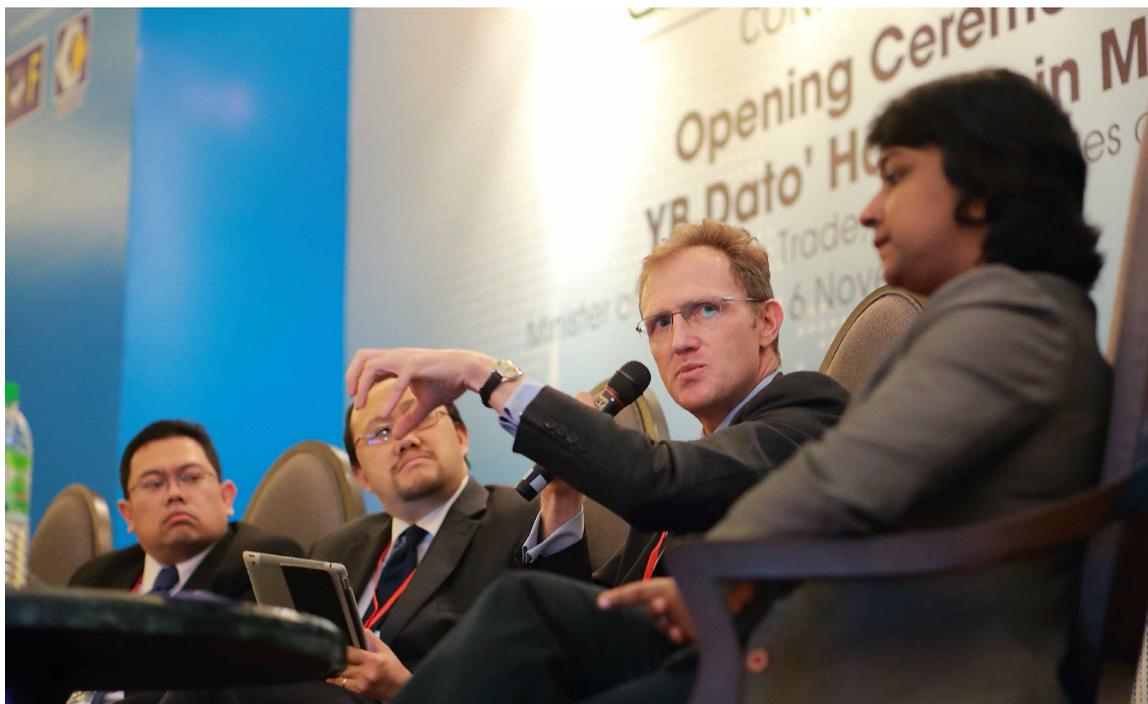
Every IP valuer, regardless of background and training, would learn the same approaches (cost, income and market). The art part is in the experience and gut feel of the IP valuer in applying the approaches to the types of IP to be valued to generate a relevant, mathematically sound and defensible value that is acceptable. The next question is, acceptable to whom? The purchaser, the banker or the client/seller? It would appear that the best appraisal is done through a multidisciplinary approach, involving accountants, IP consultants and the technical experts experienced in the relevant fields.

There are essentially three main approaches, namely, market, income and cost. Each has its advantages and limitations.

The market approach is determined based on comparison with the actual price paid for a similar IP asset under a similar circumstance. For this approach to be accepted, one needs to have a sufficient similarity of verifiable qualitative and quantitative data of the same or similar industry with comparable size, growth, business and financial risks, availability of price information and whether this price was at arm's length or a forced or distressed sale situation and the nature and extent of IP asset transacted. The factors are then adjusted for any differences in circumstances. The list of factors to be considered is by no means exhaustive. The major disadvantage of a market approach is the lack of availability of comparable industry data and transactions, the difficulty in identifying an exactly alike or even a similar IP asset. This approach, while relatively simple and useful if exact comparables are available, is usually used as a cross check for an income approach.

The cost approach involves an analysis of either one or both of the following:

- (1) the historic cost associated with developing the IP asset by calculating the total direct expenditures and costs involved;
- (2) the replacement cost based on the cost to recreate the functionality or utility of an equivalent IP asset.



This approach is rarely used except when valuing assets such as workforce or software. It is a useful approach in gauging the IP value when the IP has not been marketed yet or at a stage when there is no direct cash flow generated. In reality, historic cost is often a fraction of the expected economic benefits or potential income to be generated from the IP asset. It does not take into account the risks and uncertainty associated with realising the economic benefits nor the trends in the economic benefits associated with the IP. In short, this approach does not provide a good indication of the highest price that can be obtained in the open market place or fair market value of a particular IP. Notwithstanding these shortcomings, many valuers use the cost approach to get a useful sense check to support other approaches adopted.

The income approach, the most commonly adopted method, values the IP asset on the basis of the amount of economic income it is expected to generate, adjusted to its present day value. The ways in which to determine the economic value include the relief from royalty method that estimates the value of the IP based on the hypothetical expected future royalty payments it would receive if the IP owner were to license the IP to third party over the remaining useful life (RUL) of the IP asset. These hypothetical future revenue flows are then discounted to their present day value by using an appropriate discount rate reflecting the time value of money and risks associated with these cash flows. There are different measures of economic income that

may be relevant to the income methods and given these differences, the essential element in the application of the income method is to ensure that the appropriate discount rate used is derived on a basis consistent with the measure of economic income used. This approach is highly popular for IP assets that generate positive and predictable cash flows.

IP valuation is by no means an easy feat. It would involve various considerations and skills including understanding the purpose and context in which the IP is being valued, nature, scope and validity of the IP to be valued, timing of the valuation, access to and reliability of comparative data, assumptions made to a particular valuation approach, legal, tax, financial and other business considerations pertinent to the specific asset in question.

Citing a quote that is often attributed to Peter Drucker, “what gets measured gets managed”, IP valuation would enable organisations to exploit their IP and make rationale economic decisions on which IP asset has the best ROI, how best to monetise the IP, what royalty rate to charge, whether to go ahead with the sale & purchase (“S&P”) or the merger & acquisition (“M&A”) based on the price on the table, and what damages to claim in litigation. It goes without saying that the best way to exploit and manage one’s IP is to know its real value. This is indeed an exciting time for the IP fraternity, no doubt about it!

RETOOLING FOR THE NEW ECONOMY

“Judge a tree from its fruits, and not from its leaves.”
Euripides, Greek playwright, c. 480-406 BC.

Increasingly, the world and regional economies are diversifying, more complex, and driven by new knowledge and innovative technology. ASEAN capabilities must be continuously widened and deepened to keep performance closer to potential. Intellectual property rights (IPRs) and the creation and commercialization of IP assets come into the picture presently.

Intellectual Property Rights

These rights are an important incentive for creativity and innovation, and the highly risky and expensive scaling-up process for marketing. Legally, IPR owners have an exclusive right of use, transfer and disposal of their IP assets. IPRs can be valid for a fixed period (generally 20 years for patents and 50 years for copyrights) or indefinite period (e.g. renewable trademarks or geographical indications).

An innovative product can be copied, faked or imitated speedily and at little or much lower cost. Counterfeit, piracy and other infringements have caused substantial damage to IPR owners. They have also posed dangers to consumer health and public safety. Effective protection of IPRs is of the essence. Competition policy ensures, on the other hand, that a legal monopoly does not become an economic monopoly, thus causing widespread harm to producers, consumers and competitors alike.

ASEAN Cooperation in IPRs

Started in May 1996, such cooperation includes the regular reporting of member economic compliance to the Agreement on Trade-Related Aspects of Intellectual Property Rights. All 10 ASEAN Member States are now members of the World Trade Organization (established in January 1995), with the Lao PDR joining in February 2013.

Recently, collective regional action has aimed at improving the turnover time in processing patent applications, and the quality of the search and examination reports. It has enhanced the accessibility and transparency of trademark and design registrations,

among other services in ASEAN. A common regional IP profile is gained through accession to the same treaties -- such as the Madrid Protocol (in trademark registration), the Hague Agreement (in industrial design registration) and the Patent Cooperation Treaty.

Extensive capacity building has taken place in ASEAN, with considerable technical and financial support from many Dialogue Partners and donor organizations. There are Australia and New Zealand, through the ASEAN-Australia-New Zealand Free Trade Area Economic Cooperation Work Program (AANZFTA ECWP); the State Intellectual Property Office of China (SIPO) through the ASEAN-China Memorandum of Understanding on Intellectual Property; the European Union (EU) through the multi-year ECAP II and III programs; Japan, through the Memorandum of Cooperation on Industrial Property between the IP Offices of the Member States of the ASEAN and the Japan Patent Office (JPO); United States, through a series of multi-year Arrangements between the ASEAN Secretariat and the United States Patent and Trademark Office (USPTO) on Cooperation in the Field of IPR; and the World Intellectual Property Organization (WIPO).

Capacity building activities have focused on key areas across the IP cycle. These areas include experience sharing on and accession to international IP treaties, IP legislation and infrastructure development and modernization, as well as international and regional best practices in IPR protection and enforcement. Judges and prosecutors, law enforcement personnel, IP professionals and service providers, and business executives and entrepreneurs were among some 7,500 participants in those activities during 2004-2012.



Old Issues, New Agenda

The study on “ASEAN 2030”, published by the Asian Development Bank Institute in 2012, underlines once again the regional need to retool for the new economy. ASEAN would have to manage the sequential transition of economic growth based largely on physical capital accumulation during the low- to middle-income stage. The jump off to the upper-middle income and to high-income status will be driven mainly by intangible capital rich in IP.

In the above context, it is well known that a good IPR framework is important but insufficient to initiate and commercialize creativity and innovation. The technological transformation in the Republic of Korea and Chinese Taipei owes much to supportive policies, infrastructure and business services. These have synergized into an ecosystem of research-industry interfaces, inter-firm technology alliances, producer-customer interactions, continuous strive for excellence, “thinking outside the box” and risk-taking entrepreneurship.

Jump-off Route

Technological innovation was and is the key. The Republic of Korea and Chinese Taipei were technology followers and adapters up to the late 1980s. They have become world-class leaders in several fields of information and communications technology (ICT) from the late 1990s.

The Republic of Korea and Chinese Taipei have become the fourth and fifth most inventive economies in the world. In addition, electrical-class patents (covering largely ICT fields) made up 59% of the USPTO invention patents going to Chinese Taipei, and as much as 78% in the case of Republic of Korea. As a whole, electrical-class patents constituted only 53% of

all the USPTO invention patents issued to all inventors during 2007 - 2011.

Notably, China owned only 175 USPTO invention patents issued during 1963 - 1988, or less than one-half of those gained by ASEAN in the same period. This country has moved fast upward the innovation ladder, however. China obtained 9,483 USPTO invention patents in 2007 - 2011, or almost three times more than those granted to ASEAN (3,617 patents). Some 61% of China’s patents were in the electrical class.

Of the USPTO invention patents issued to ASEAN, Singapore accounted for 68% (or 2,478 patents), Malaysia for 23%, and Thailand for 4% in 2007 - 2011. Some 58% of Singapore’s patents were in the electrical class, compared to Malaysia’s 68% and Thailand’s 37%.

Innovation Incorporated

What are some of the characteristics of the outstanding technological transformation in ASEAN’s neighbours in East Asia? Firstly, catch-up at the world’s technological frontier is possible. Chinese Taipei, a pioneer in customs chip foundry, remains among world’s top players in the production of (high-premium) applications micro-processors. Taiwan Semiconductor Manufacturing, founded in 1987, earned US\$17.4 billion in 2012 and United Microelectronics, incorporated in 1980, had US\$4 billion as revenue.

Chinese Taipei is also among the world’s top supplier of desktop and portable personal computers and tablets plus their high-value accessories. These include motherboards, monitors, scanners and CD-ROM drives. The world’s biggest original design as well as contract manufacturer, Hon Hai Precision (better known as Foxconn), was established in 1974 and had US\$134 billion in sales in 2012.

“Technological innovation was and is the key. The Republic of Korea and Chinese Taipei were technology followers and adapters up to the late 1980s. They have become world-class leaders in several fields of information and communications technology (ICT) from the late 1990s.”

Meanwhile, Samsung Electronics was founded in January 1969 with 36 employees as a Samsung-group subsidiary. It owned 40% (or 18,128) of all the USPTO invention patents granted to the Republic of Korea during 2007 - 2011. It has become the world's second most innovative firm (behind only the venerable IBM). With sales revenue of US\$179 billion in 2012, Samsung Electronics far eclipsed Sony (with sales of US\$82 billion). Sony was the original inventor of, and the former giant in, consumer electronics itself.

In the cell phone and computer tablet markets, Samsung Electronics is in head-to-head competition with Apple (with 2012 global sales of US\$156 billion). The latter was the world's biggest corporation in terms of market valuation for most of 2012. Samsung Electronics is expected to sell 290 million smart phones (or a 33% volume market share) in 2013, compared to 180 million units (or 21%) in the case of Apple.

Larger Scope

Secondly, it is no coincidence that technological catch up has taken place largely in ICT. Innovation in ICT products depends much on engineering skills which are in good supply in many developing countries. Among the world's top 50 engineering schools, for instance, two are from Singapore, three from Republic of Korea, and another three from China plus Hong Kong SAR.

Comparatively, the complex skills and infrastructure for exhaustive testing in science-based innovations are not readily available in many developing countries. Unlike ICT products, industrial chemicals and drugs are not easily commoditized in manufacturing. The world export market for chemicals was worth US\$1,997 billion in 2011, including US\$498 billion for pharmaceuticals. However, only 6% of chemicals export came from China, 3% from Singapore and 2% each from India and Thailand.

Wider Entrance

Thirdly, many ICT products continue to exhibit gaps and discontinuities. Almost without exception, therefore, complex software and hardware consists of many overlapping technologies developed and owned separately. For example, a certain 3G cell-phone technology comprises 6,872 patents owned by 41 different companies. The DVD is based on innovations from some 70 separate firms. Likewise, radio-frequency identification chips are covered by some 4,000 essential patents.

Equally important, furthermore, are the powerful network externalities. The value of an ICT product or innovation increases exponentially over a minimum (critical) mass of demand, and vice versa. This threshold may cover users, adopters such as on-line service providers and original equipment manufacturers, and developers supplying hardware and software for use with that product or innovation.

Applications software gives a good illustration of the almost unlimited scope for entry. By September 2012, some 700 thousand applications a piece had been written for the Apple and for the Android cell-phone operating system, first launched in June 2007 and November 2008 respectively. However, there is no information on how many applications software came from ASEAN developers.

Meanwhile, user downloads reached 25 billion each for the Apple and the Android system up to end-2011, yielding US\$239 million to Android applications software developers and US\$3,458 million to their Apple counterparts. Another example is the acquisition by Yahoo! in March 2013, for a reported US\$30 million, of the Summly applications software (first available online in November 2012). The developer was 17-year old Nick D'Aloisio and his enterprise had venture capital backing from Hong Kong SAR and other sources.

Small Enterprises, Large Conglomerates

Fourthly, small and medium-sized enterprises (SMEs) remain important players and subcontractors in the ICT sector in Chinese Taipei. This has been achieved through innovative linkages and coordination with both domestic and transnational firms. The pooling of work orders, for instance, improves economies of scale and scope of SMEs. High-tech manufacturing and complex design functions are outsourced to bigger firms or specialist SMEs. Advanced, custom-applications chips are mostly obtained from capital-intensive large companies, however.

On the other hand, a handful of business conglomerates have dominated the innovation and industrial landscape in the Republic of Korea. They have served not only as an export platform for the extensive and diverse supply networks, comprising both large businesses and SMEs within the respective conglomerates. They are also the initiators of research and development on a broad front involving both large and small firms in-house, and the prime movers in commercializing those firms' innovative and breakthrough technologies and products.

Moving From Here to There

There are few cost-free and convenient short cuts in a "race without an end" in creating more and more new ideas under the new economy. In this connection, however, Andy Grove's observations may be fitting as a concluding note to this article. This former Chief Executive Officer shepherded Intel from a multi-million dollar small enterprise to a multi-billion dollar global giant during 1987-2005.

According to Grove, innovative product development and marketing depends on the adequate availability of knowledge workers and technicians, professionals with the requisite formal qualifications plus practical experiences, and business-savvy and risk-taking entrepreneurs. Quality education, training and internship are the keys in these regards.

Another catalyst takes the form of industry-research interfaces, supplier-customer interactions, intra-firm and arms-length commoditization arrangements, and strategic alliances within and across borders, e.g., in skills diversification and enrichment, research and development, as well as technology and product commercialization.

Public Facilitation, Private Participation

All those prerequisites have to be effectively underpinned and synergized by public-private partnerships and other enabling arrangements. These include suitable incentive and reward systems both within and outside the enterprises themselves.

Such prerequisites will lead to more focused and relevant research efforts commercially, thus reducing the costs and risks in development and the scaling-up process for marketing. Equally important, in addition,



they also serve to protect first-mover and lead-time advantage and to maximize network externalities over innovative and/or lower-cost substitutes; these can be expected to emerge almost constantly.

Moreover, those prerequisites are very important in another dimension as well. They will help all the innovative enterprises and their allied firms to mobilize the resources and services needed for the follow-on or for a totally new wave of innovations, commercialization, and in Schumpeter's classic terminology, of "creative destruction" down the road.

It is The Ecosystem!

Stephen Elop was a former executive at Microsoft. He was recruited as Nokia's new President and Chief Executive Officer in September 2010 in an effort to turn around this previously dominant, but now declining, giant in the global cell-phone market.

Fittingly, Elop finally concluded in early 2011 that "the battle of devices has now become a war of ecosystems". Notably, Microsoft announced on 3 September 2013 the take-over of Nokia's handset business for US\$ 7.2 billion, with Elop moving back to Microsoft on the completion of this deal.

By Thitapha Wattanaputtipaisan, formerly Head of the Division on Competition, Consumer Protection and Intellectual Property Rights at the ASEAN Secretariat, Jakarta. The views expressed are her personal views only. Thitapha can be contacted at <thitapha_watt@yahoo.com> or <thitapha.watt@gmail.com>.

The Celebration of National Intellectual Property Day (NIPD)





IP OFFICIAL JOURNAL

Background

IP Official Journal is a facility provided by MyIPO on intellectual property gazette which consists of patents, trade marks, industrial designs and geographical indications. It is an intellectual property gazette database in digital form that helps MyIPO to improve the quality of its delivery system. The target users of this service are not only within the local stakeholders but also the international stakeholders from 173 members of Paris Convention.

The system is equipped with public search module in order to facilitate the search and download of intellectual property gazette information. Among the services provided are as follow:

- i) **First Application and Registration / First Grant**
The promotion of the first application and registration / first grant for Trademarks, Patents, Industrial Designs and Geographical Indications.
- ii) **Gazette Information**
To provide gazette information for the current period of three months in the latest publication and the last three months in the previous publication.
- iii) **Intellectual Property Gazette Information Search**
To provide search facility on intellectual property gazette information for trade marks, patents, industrial designs and geographical indications according to user's requirements.
- iv) **Data Exchange Service**
To provide data exchange service based on international standard format (WIPO ST36), the Extensible Markup Language (XML) to interested parties.

For subscribers of intellectual property gazette information, MyIPO imposes RM500.00 per year for subscription that comes into effect in accordance with the Amendment of Industrial Designs Act, Trade Marks Act, Patents Act and Geographical Indications Act.

Objectives of the Project

- a) To improve the intellectual property service delivery system;
- b) To provide an effective mechanism for the intellectual property owners to check on the intellectual property gazette information via online; and
- c) To provide intellectual property gazette information in digital form.

IP Official Journal increases the management efficiency of intellectual property gazette information and enhances the MyIPO delivery system. It is also beneficial to the intellectual property owner or stakeholder to monitor or plan action to be taken in the event of intellectual property rights infringement. In addition, it also encourages information sharing



BATCH 10/2013 Jul 25, 2013

REGISTERED INDUSTRIAL DESIGN

Registration Number : MY 12-01592-0110
 Date of Registration : 22 May 2012
 Date of Priority : 22 May 2012
 Date of Filing : 14 November 2012
 Date of Issuance of Certificate : 20 June 2013

Name of Registered Owner : Fuji Xerox Co., Ltd.
 Address of Registered Owner : 7-3, Akihabara 3-Chome, Minato-Ku, Tokyo, Japan
 Address for Service : Charmaye Ong Poh Yin, C/O Sitrine, Unit No. 00-S-1, 8th Floor, Wisma Uoa Damansara, 50 Jalan Damansara, Damansara Heights, 50450 Kuala Lumpur

Classification : 18-02
 Article : TONER CARTRIDGE

STATEMENT OF NOVELTY
 THE NOVELTY OF THE DESIGN FOR WHICH PROTECTION IS SOUGHT LIES IN THE SHAPE AND CONFIGURATION OF THE ARTICLE, AS SHOWN IN THE ACCOMPANYING REPRESENTATIONS.

MALAYSIA
Warta Kerajaan
 SERI PADUKA BAGINDA
 DITERBITKAN DENGAN KUASA
 HIS MAJESTY'S GOVERNMENT GAZETTE
 PUBLISHED BY AUTHORITY

Jil. 57
 No. 11

23hb Mei 2013

TAMBAHAN
 PAT No. 6

AKTA PATEN 1983
 (Akta 291)

PATENTS ACT 1983
 (Act 291)

No. PAT 16.

PENGKALAN PATEN
 ADVERTISEMENT OF PATENTS

- Menurut subseksyen 31(3) Akta Paten 1983, paten-paten yang berikut telah diberikan.
 In accordance with subsection 31(3) of the Patents Act 1983, the following patents have been granted.
- Menurut Peraturan 34(G) Peraturan Paten 1986, paten-paten yang berikut telah bertukar hakmilik.
 In accordance with Regulation 34(G) of the Patents Regulations 1986, the following patents have changed its ownership.
- Menurut subseksyen 35(3) Akta Paten 1983, paten-paten yang berikut telah luput.
 In accordance with subsection 35(3) of the Patents Act 1983, the following patents have lapsed.

MALAYSIA
Warta Kerajaan
 SERI PADUKA BAGINDA
 DITERBITKAN DENGAN KUASA
 HIS MAJESTY'S GOVERNMENT GAZETTE
 PUBLISHED BY AUTHORITY

Jil. 57
 No. 16

8th Ogos 2013

TAMBAHAN
 TMA No. 41

No. TMA 70.

AKTA CAP DAGANGAN 1976
 (Akta 175)

PENGKALAN PERMOHONAN UNTUK MENDAFTERKAN
 CAP DAGANGAN

Menurut seksyen 27 Akta Cap Dagangan 1976, permohonan-permohonan untuk mendaftarkan cap dagangan yang berikut telah disetujui terima dan adalah dengan ini diiklankan.

Jika sesuatu permohonan untuk mendaftarkan disetujui terima dengan tertakluk kepada apa-apa syarat, pindaan, ubahsuai atau batasan, syarat, pindaan, ubahsuai atau batasan tersebut hendaklah dinyatakan dalam iklan.

Jika sesuatu permohonan untuk mendaftarkan di bawah perenggan 10(1)(e) Akta dilakukan sebelum penyajutertarikan menurut subseksyen 27(D) Akta itu, perkataan-perkataan "Permohonan di bawah perenggan 10(1)(e) yang dilakukan sebelum penyajutertarikan menurut subseksyen 27(D)" hendaklah dinyatakan dalam iklan itu.

Jika keizinan bertulis kepada pendaftar yang dicadangkan daripada tuannya berdaftar cap dagangan yang lain atau daripada pemohon yang lain telah diserahkan, perkataan-perkataan "Dengan Keizinan" hendaklah dinyatakan dalam iklan, menurut peraturan 33(D).

and enables the industries, inventors, universities and research institutions to access the intellectual property gazette information for their references. With the introduction of IP Official Journal, MyIPO's online services continue to expand.

Status Of Implementation / Project Achievement In The Aspect Of Usage Or Awards Received

The IP Official Journal was developed on 6 October 2011 and made available to public for trial purpose on 6 June 2012. The online gazette for Industrial Designs started on 1 July 2013 in accordance with the new provisions in the Industrial Designs

(Amendment) Act 2013 which replaced the previous Government Gazette Official Journal.

To be at par with other IP Offices, Industrial Designs Division has become the pioneer in adopting the IP Official Journal. The division has fully utilised the online system to advertise the registration, the extension period, changes of owner or address and others.

In 2012, 11 volumes of Industrial Designs gazettes were advertised in the Government Gazette every month which cost RM399,620.00 in total. By using IP Journal, the cost of Industrial Designs gazette has been reduced and the gazetted process has been expedited to twice a month instead of once a month with the Government Gazette.

ASEAN Working Group on Intellectual Property Cooperation (AWGIPC)

Source: ASEAN website

The ASEAN Working Group on Intellectual Property Cooperation (AWGIPC) was established in 1996 pursuant to the ASEAN Framework Agreement on Intellectual Property Cooperation, which was signed by ASEAN Member States (AMSs) in Bangkok, Thailand in 1995. The AWGIPC serves as a consultative body for ASEAN Cooperation on IP and is mandated to develop, coordinate and implement all IP-related regional programmes and activities in ASEAN. The AWGIPC is engaged in IP-related coordination, regular policy dialogues and information-sharing on IP and IP-related issues, regional awareness and education on IP matters and intra- and extra-regional linkages involving IP Offices in ASEAN.

The work of the AWGIPC was earlier based on the ASEAN IPR Action Plan 2004 - 2010 and the Work Plan for ASEAN Cooperation on Copyright. The Action Plan 2004-2012 was formulated to: help accelerate the pace and scope of IP asset creation, commercialisation and protection; improve the regional framework of policies and institutions relating to IP and IPRs; promote IP cooperation and dialogues within the region as well with the region's dialogue partners and organisations; and strengthen IP-related human and institutional capabilities in the region.

At present, the work of the AWGIPC is guided by the ASEAN Economic Community (AEC) Blueprint and the IPR Action Plan 2011 - 2015. The AEC Blueprint serves as the master plan to guide the establishment of the AEC, which is envisaged to have the following key characteristics: (a) single market and production base; (b) highly competitive economic region; (c) region of equitable economic development; and (d) region fully integrated into the global economy.

Intellectual property has been identified as one of the core components of a highly competitive economic region. In principle, intellectual property (IP) policy can serve as a powerful stimulus to (a) cultural, intellectual and artistic creativity and their commercialisation; (b) efficient adoption and adaptation of more advanced technologies; and (c) continuous learning to meet the ever-rising threshold of performance expectations.

IP policy can also help to incubate a vibrant culture of creativity and invention, and to ensure more equitable access and benefits to all stakeholders in both traditional and newer IPRs. Furthermore, IP policy can influence both the volume and quality of external trade and investment and the transfers of advanced, proprietary

technologies. IP creativity is a major determinant of local value added and external competitiveness.

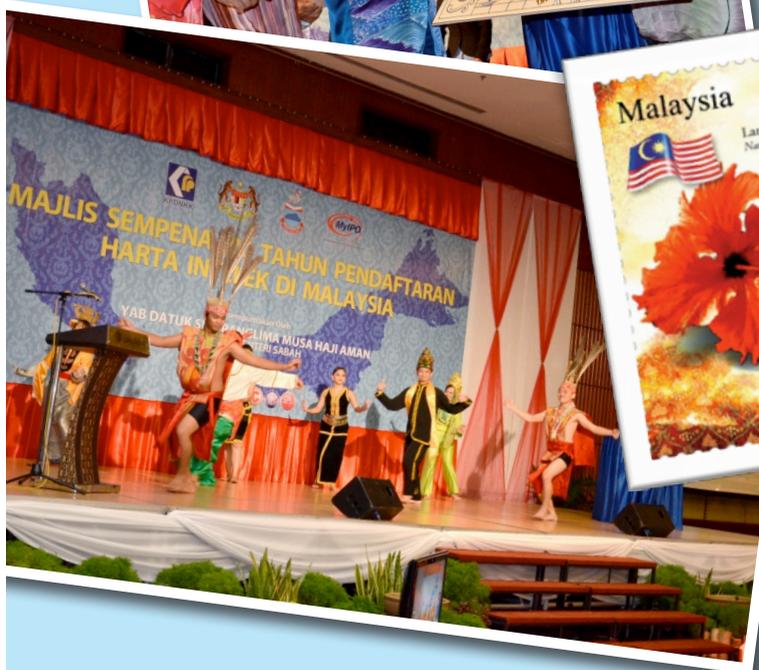
The ASEAN IPR Action Plan 2011 - 2015 is designed to meet the goals of the AEC by transforming ASEAN into an innovative and competitive region through the use of IP for their nationals and ensuring that the region remains an active player in the international IP community. The Action Plan 2011-2015 identifies five strategic goals that will contribute to the collective transformation of ASEAN into a competitive region with the use of IP. To achieve the 2015 goal of economic integration, the AWGIPC is building on past accomplishments and continuing to partner with organisations and institutions in order to move forward collectively towards a single direction, albeit at varying paces. With this Action Plan, ASEAN is working towards economic integration through intensified cooperation, with AMSs acting as leads for initiatives that are more focused and with specific deliverables that will move towards the agreed goals as a region even while preserving its diversity, without compromising the varying levels of development of Member States but charting for the region a unique brand of an ASEAN IP system.

100 Years Registration of Intellectual Property in Malaysia

The Celebration of 100 Years Registration of Intellectual Property was held in Kota Kinabalu, Sabah on 5 September 2013. The celebration was a recognition to the existence of IP awareness and protection in this country since years ago where the first registration of IP namely trade mark was registered on 29 March 1913 in Sabah under the North Borneo Merchandise Marks Ordinance.

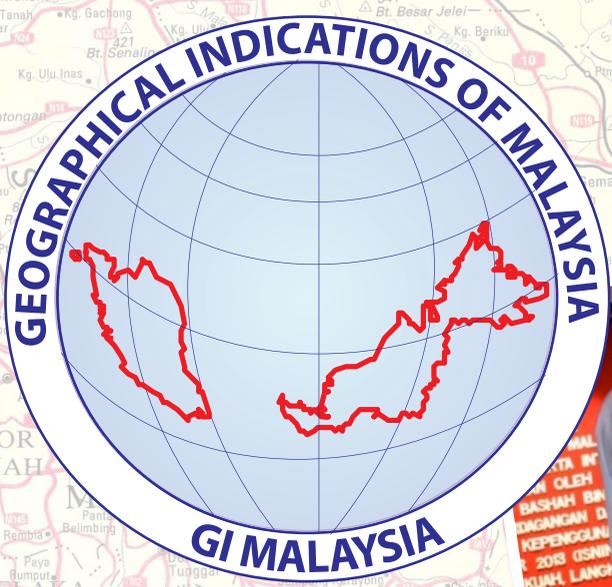


The Celebration of 100 years Registration of Intellectual Property in Malaysia was launched by the Chief Minister of Sabah, YAB Datuk Seri Panglima Musa Haji Aman.



In conjunction with the celebration, MyIPO has issued a limited edition stamp to commemorate the existence of IP protection system in Malaysia since 1913.

Geographical Indications Logo Launching



On 9 September 2013, the Deputy Minister of DTCC, YB Dato' Paduka Ahmad Bashah Md Hanipah launched the Geographical Indications (GI) Logo in Langkawi, Kedah. The GI logo provides information to the public on registered GI product in Malaysia. The GI owners and stakeholders have the privilege to use the logo on their products. The logo helps the consumer to choose registered GI product based on its quality, reputation and other different characteristics.



IP Facts & Figures

Microsoft Pays Billions to License Nokia Patents

Microsoft has agreed to license around 30,000 patents owned by Nokia as part of a €5.44 billion (RM23.91 billion) buyout of the Finnish company's mobile phone division in September 2013.

(Source: worldipreview.com)

Malaysia 1st Country in South East Asia to Develop Intellectual Property Valuation

Malaysia is the first country in Southeast Asia to carry out intellectual property valuation through the Valuation and Property Services Department (JPPH), in cooperation with Intellectual Property Corporation of Malaysia (MyIPO). Trainers from the United Kingdom and Switzerland would be engaged for the purpose.

(Source: [New Strait Times](http://NewStraitTimes.com))

UK Reaches Patent Milestone

The UK has published its 2,500,000th patent marking a milestone in its intellectual property history. The patent, 'GB2500000', was published in September 2011 by the UK Intellectual Property Office (IPO). The invention called 'microwave monitoring' was filed by Liverpool John Moores University.

(Source: news.silobreker.com)

Singapore Ranks Top in Asia for IP Protection

Singapore has been ranked the world's second and Asia's top country for IP protection by the World Economic Forum's (WEF) in its latest Global Competitiveness Report 2013. This is the third consecutive year that the city-state has been named the top in Asia for IP protection.

(Source: [AsiaOne Business](http://AsiaOneBusiness.com))

SIPO Report: China Owns 3 Million Domestic Valid Patents in 2012

According to the China Valid Patent Report 2012 issued by SIPO, as of the end of 2012, China owns cumulative 3 million domestic valid patents. It represents 85.6% of the total, up 1.5% and 3.2% respectively than those in 2011 and the end of the Eleventh Five-Year Plan. Meanwhile, domestic invention patents amounted to 473,000, up 3.7%. The share of the total grows to 54.1%.

(Source: [State Intellectual Property Office \(SIPO\), China](http://StateIntellectualPropertyOffice(SIPO),China))

EU Announces €1 Billion Crackdown on IP Infringement

Custom controllers across Europe have seized IP infringing goods totalling close to €1 billion, a report has shown. Throughout 2012, more than 39 million different items were seized at European borders clocking up a total retail value of €991.9m (RM4.38 billion).

(Source: [worldipreview](http://worldipreview.com))

Global Innovation Index (GII) 2013: US Rejoins Five Most-Innovative Nations as Switzerland Keeps Top Spot

The US re-joined the five most-innovative nations and the UK moved up to the third spot while Switzerland retained its place atop the rankings in the Global Innovation Index 2013. GI has become a chief benchmarking tool for business executives, policy makers and others seeking insight into the state of innovation around the world.

(Source: WIPO)

EPO Reports Patent Growth in 2013

More European patents have been filed and granted in the first half of 2013 compared with the same period last year, the European Patent Office (EPO) has revealed. EPO president Benoît Battistelli said filings are up five percent and granted patents up 11 percent.

(Source: [worldipreview](http://worldipreview.com))

Six New Languages Added to Patent Translate

The European Patent Office (EPO) has made a further six languages available in its free machine translation service to provide multilingual access to the vast collection of patent documents available on the EPO website. With the addition of Bulgarian, Czech, Icelandic, Romanian, Slovak and Slovenian, the service now offers translation from and into English for 21 languages.

(Source: insidecareer.co.uk)

ACCIDENTAL INVENTIONS AND THE STORIES BEHIND THEM

PENICILLIN

Inventor: Alexander Fleming

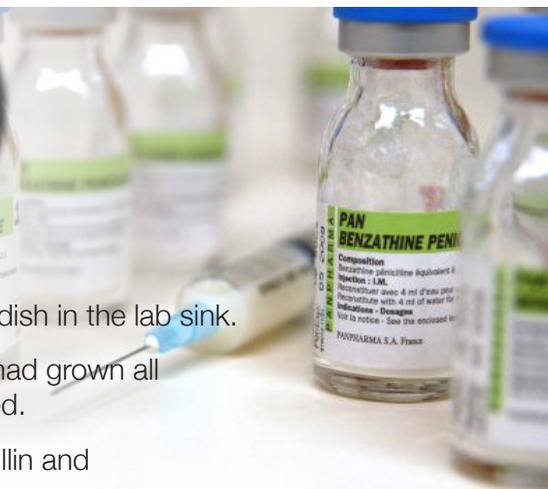
Year: 1928

What Happened: Halfway through an experiment with bacteria, Alexander Fleming up and went on vacation. Slob that he was, he left a dirty petri dish in the lab sink.

Big Discovery: When he got back, he found bacteria had grown all over the plate, except in an area where mold had formed.

As a Result: That discovery led to two things: 1) penicillin and 2) Mrs. Fleming hiring a maid.

Read more: <http://www.rd.com/slideshows/10-accidental-discoveries-put-to-good-use/#ixzz2gLaU2LT8>



SACCHARIN

Inventors: Constantin Fahlberg and Ira Remsen

Year: 1879

What Happened: After spending the day studying coal tar derivatives, Fahlberg left his Johns Hopkins laboratory and went to dinner.

Big Discovery: Something he ate tasted particularly sweet, which he traced to a chemical compound he'd spilled on his hand. Best of all, it turned out to be calorie-free.

As a Result: He cut Remsen and the university out of millions of dollars when he secretly patented the breakthrough discovery, saccharin.

Read more: <http://www.rd.com/slideshows/10-accidental-discoveries-put-to-good-use/#ixzz2gLb0XdKM>



THE MICROWAVE

Inventor: Percy Spencer

Year: 1946

What Happened: With the end of World War II, the Raytheon engineer was looking for other uses for the magnetron, which generated the microwaves for radar systems. While Spencer was standing next to the device one day, a chocolate bar in his pocket melted.

Big Discovery: The magnetron worked even better on popcorn.

As a Result: Orville Redenbacher became very rich.

Read more: <http://www.rd.com/slideshows/10-accidental-discoveries-put-to-good-use/#ixzz2gLbGkn3D>



BOTOX

Inventors: Alastair and Jean Carruthers

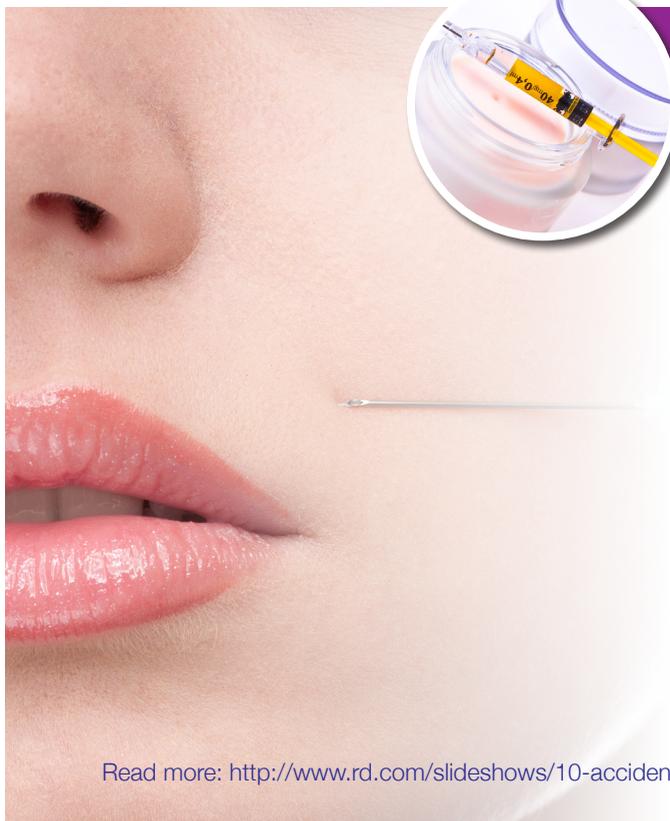
Year: 1987

What Happened: The couple were using small doses of a deadly toxin to treat 'crossed eyes' eyelid spasms and other eye-muscle disorders when they noticed an interesting side effect.

Big Discovery: Wrinkles magically disappeared.

As a Result: The expressionless face became the 'it' look, thanks to Botox.

Read more: <http://www.rd.com/slideshows/10-accidental-discoveries-put-to-good-use/#ixzz2gLbQmlz3>



SIMPLE INVENTIONS THAT TOOK THE WORLD BY STORM

Kleenex
BRAND



KLEENEX

The Kimberley-Clark Company came up with Kleenex after a slight tweak to another crepe paper product recipe.

The idea of facial tissue was born and the market leading brand from the early 1920's remains a household product today, selling in over 120 countries and generating close to \$6 billion for the company in 2011



POST-ITS

Frustrated by forever marking his hymn books at choir practice, Art Fry realised the need for simple sticky notes.

With the simple application of 3M's weak glue to some bright yellow paper, the Post-It came to life and generated a whopping \$1 billion in sales in 2012 in over 100 countries.



FRISBEE

The humble Frisbee has been around since 1937 after Walter Frederick Morrison and his girlfriend threw the circular lid of a popcorn tin around in the backyard to pass time.

That first Frisbee was finetuned into a product that has sold over 300 million worldwide.



CROCS

A more recent invention to hit the market were Crocs, the rubber shoes with holes in them.

Invented by Scott Seamans, George Boedecker and Lyndon Hanson, Crocs came about after a company created a waterproof and bacteria resistant plastic called "croslite". These three saw the potential in the new product for boating shoes and took it that next step.

In 2011 the brand reached \$1 billion in annual sales, in their history selling more than 200 million shoes in over 90 countries.



SLINKY



Of course the list wouldn't be complete without that time wasting gadget, the slinky.

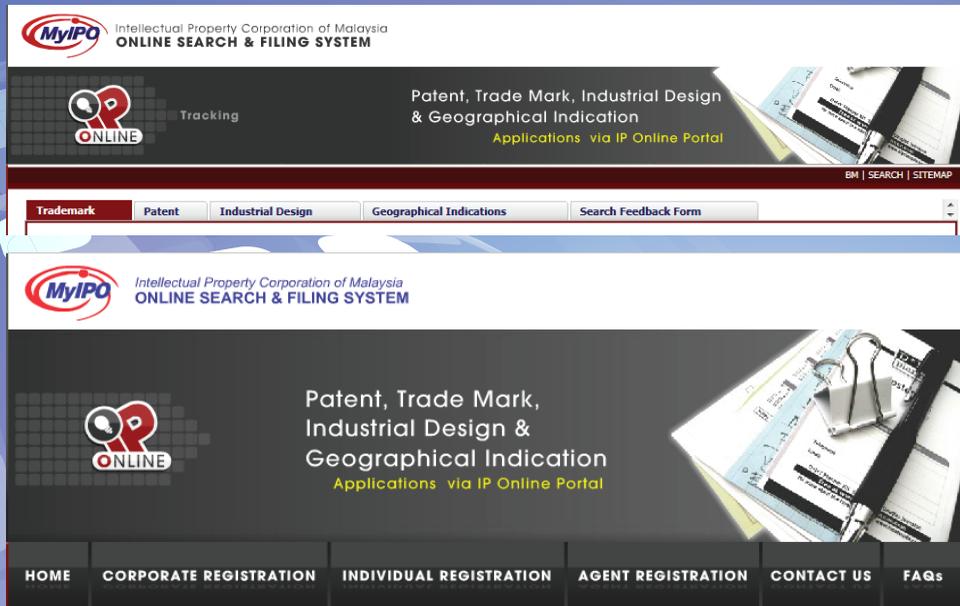
Naval engineer Richard Jones was working with tension springs in 1943 when one fell to the ground and kept bouncing from place to place. No real innovation necessary.

Since then James Industries has produced and sold over 250 million slinkies world wide.



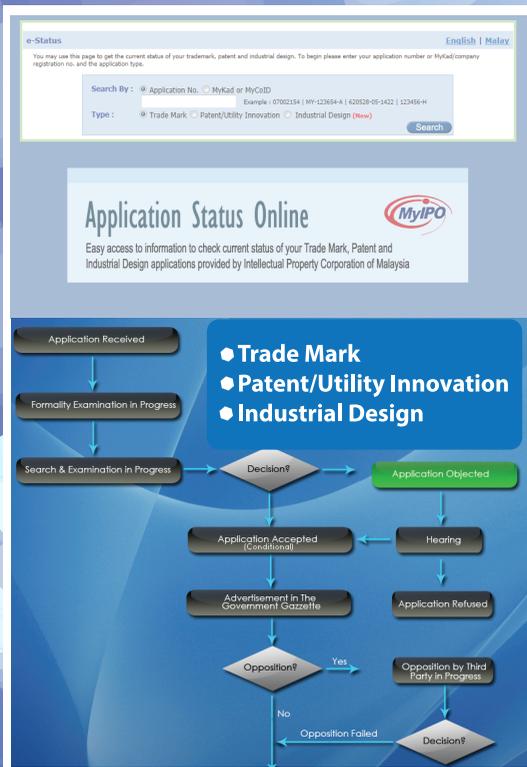
MyIPO ONLINE SERVICES

<https://iponline.myipo.gov.my/iponline/>
<https://iponline.myipo.gov.my/ipo/main/search.cfm>



e-Status

<https://ipjournal.myipo.gov.my/workflow/ENG/>



Easy access to check current status of your Trade Marks, Patents and Industrial Designs applications

IP News in brief
WIPO

WIPO announces Madrid system changes

Source: worldipreview.com

New measures in improving the Madrid System for the registration of trademarks were announced by World Intellectual Property Organization (WIPO). The objectives are to provide better service and cater the needs of users. The Madrid system enables trade mark owners to file one application to protect their trademark across 91 member states.

Under the changes, participating countries will be able to request copies of certificates of international registrations dating back to 2006 along with any renewal certificates. If a participating country wants to obtain an extract from the International Register, it can request for a faster time period of five working days. Meanwhile, users can request extracts of the International Register that are legalised for use in countries which are not members of the Madrid Agreement. Charges for the services will range from 50 to 100 Swiss francs, payable to WIPO's International Bureau.

IP News in brief
United Kingdom

New fast track UK opposition launches on 1 October 2013

Source: lexology.com

UK Intellectual Property Office (UK IPO) has announced a new fast track for oppositions. It aims to provide a "procedure through which existing trade mark owners can oppose the registration of new trade marks at an affordable cost" and cost savings. The fast track option will be available from 1 October 2013.

Alongside the current opposition procedure, the main differences in the fast track are as follows:

- Fast track oppositions are limited to claims based on earlier, identical or similar, registered trade marks. Oppositions based on (for example) trade marks with a reputation or unregistered rights will still be dealt with under the existing procedure;
- fast track oppositions can be based on a maximum of three earlier rights;
- if any of the rights on which a fast track opposition is based have been registered for more than five years, proof of use of that right must be filed at the same time as the notice of opposition;
- the official fee for fast track opposition is reduced to £100. It remains £200 for standard oppositions; and
- the general right for parties to request an oral hearing is removed under the fast track, with hearings only at the Office's discretion.

IP News in brief **China**

Source: worldipreview.com

China tops global trademark filings

China's IP office published the most trademarks across all classes in 2012. In 2012 Trademark Report, The State Intellectual Property Office had posted 879,324 trademarks by December 18, 2012, followed by the US (313,532), France (254,662), Turkey (134,596) and Japan (127,952) in the next four places. Out of 186 countries, the Caribbean island of St Kitts and Nevis published the fewest trademarks last year, with just 17. Class 25 (clothing, footwear and headgear) was the most popular trademark division, accounting for about 180,000 applications in China. Classes 35 (including advertising) and 9 (including scientific and nautical) represented about 90,000 applications each, while classes 30 (including coffee) and 29 (including meat) accounted for 80,000 and 60,000, respectively.

Compared with 2011, there was a collective minimal decrease in trademark activity across the top ten countries, as a result of a struggling global economy. On contrary, the UK published 10 percent more trademark applications than in 2011, while Turkey jumped by 8 percent. Both rises were due to improvement of national economies. Companies producing consumer products accounted for the most (40 percent) published trademarks globally, closely followed by pharmaceutical companies (30 percent). Pharma producers, Johnson & Johnson and Novartis took the top two spots, with consumer goods company Nestlé coming third. The brand expansion is one of many underlying factors driving world economies but "on a global scale, trademark growth hit a plateau in 2012, as the world economy continues to slowly recover from a devastating financial crisis".

IP News in brief **Vietnam**

Source: worldipreview.com

Vietnam vows to step up customs enforcement

Vietnam's department for anti-smuggling and investigation has issued an open letter informing rights holders of plans to improve customs monitoring in the country. To strengthen anti-smuggling, anti-counterfeiting and anti-infringing goods actions in relation to imported products, among the measures taken by the authorities are:

- carrying out an intensive control plan.
- increasing container inspections, which focused on fashion items, cosmetics, pharmaceuticals, toys and games until the end of 2013.
- rights holders are urged to provide certain information, including details on previous suspected targets.
- Based on the report by Office of the US Trade Representative, Vietnam had taken steps to improve its regulatory framework and increase public awareness on the work of customs in the last two years, though enforcement actions had shown little progress in 2012.

The reasons behind the lack of progress are enforcement agencies continue to have capacity constraints, due in part to a lack of resources and trainings as well as IPR expertise. Smuggled goods which do not pass through customs are hand-carried across remote unguarded points along Vietnam's border especially with long coastlines and its proximity to China. Furthermore, customs authorities' current lack of funding and manning to adequately guard all border areas as well as corruption among police and officials.

Some suggested a few counter-measurements to combat counterfeiting, including working closely with customs authorities such as recording trademarks and providing lists of authorised importers to custom inspectors at the borders, developing the quality and competitiveness of domestic products, improving the efficiency and effectiveness of border control systems as well as ensuring the authorities has sufficient financial resources.

IP News in brief **Thailand**

Source: worldipreview.com

Thailand updates patent examination guidelines

Thai patent office has finished updating its guidelines for examining patents covering drugs and chemicals and is expected to be ready by 30 September.

The updates are aimed at clarifying guidelines for Thai examiners, who have been held back in the past by unclear guidance that has contributed towards delays in examination and granting. It also aims to remove the current backlogs and ease concerns over patent 'evergreening'.

The guidelines have been divided into two sections covering the examination of patent and petty patent applications with regard to both chemicals and pharmaceuticals.

Some claimed that the new guidelines will be helpful to patent examiners by ensuring "a more consistent understanding of particular claimed subjects or claim structure". However, it is said that the new guidelines will only have an impact on the preliminary examination. In practice, the effectiveness of novelty and inventive step examination will not improve since the examiner will still rely on foreign patent as a basis for grant, while the new guidelines will only limit the scope of allowable claims to be in line with the new public policy.

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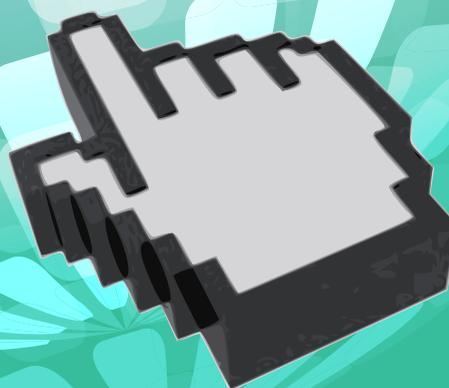
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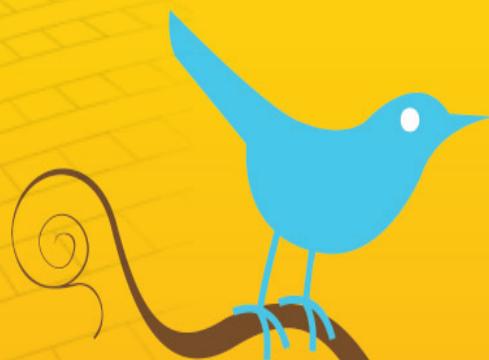
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