



" Today's Asset, Tomorrow's Value "

# IPOTENTIAL

## ASEAN INTELLECTUAL PROPERTY NEWS UPDATE



*To All Friends, Clients and Partners* 🎁

*Although 2020 has brought upon us new procedures that have changed the course of our everyday lives, let us together embrace the New Year with the hope that the pandemic subsides and 2021 becomes the Year of Prosperity and Blessings.* 🧦

*Merry Christmas & Happy New Year 2021*

Greetings from Pintas IP Group.

**Merry Christmas** 🎁

Although 2020 has brought upon us new procedures that have changed the course of our everyday lives, let us together embrace the New Year with the hope that the pandemic subsides and 2021 becomes the Year of Prosperity and Blessings.

We here at Pintas would like to wish you a safe and joyous New Year, and may we continue to share many more years of fulfilling partnership.

We are monitoring closely new directions from IP Offices in Asean countries.

In the interim, we are giving our best endeavors in ensuring operational continuity for your Asean IP needs through our customer service and e-services platforms, Pintas Digital Platform (e-commerce) and IP Hall Case Management System (management and monitoring module) accessible 24 hours every day.

Once again we thank you for your continued support in this uncertain time, our thoughts go out to those who have affected from this difficult time and we pray for your good health and well-being.

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#### UPCOMING EVENTS





# MYANMAR TRADEMARK LAW SOFT OPENING

Myanmar will soon have a formal trademark registration system in place once the Myanmar Trademark Law 2019 comes into effect following its passing by the Lower House on 12th December 2018 and enacted on 30th January 2019. This establishes a huge initiative set by Myanmar to attract foreign investors given the fact that how important intellectual property is viewed by the modern world coupled by the fact that Myanmar is the only ASEAN country that is not a member of the Madrid Protocol, in which the new Trademark Law establishes a new framework for trademark registration and protection in line with other ASEAN countries and international standards.

As of 28th August 2020, the Ministry of Commerce of Myanmar has issued a notification announcing the launch date of the soft opening period for refiling trademarks which has since commenced on 1st October 2020. During this phase, previous trademark owners are required to re-apply for registration in order to continue getting statutory protection. The re-filing is to be done along with the proof of registration under the old framework supported by a Power of Attorney.

Trademark owners who wish to seek trademark protection in Myanmar should now follow a set of requirements in order to maintain protection over their intellectual property rights under the new Trademark Law, which includes but not limited to review their trademark portfolio to identify existing protection gaps and to determine trademarks to be refiled under the new system, audit current trademark licensing arrangements for Myanmar, maintain existing trademark registrations at the Office of Registration of Deeds (ORD), and many more.

Local law enforcement agencies remain supportive in dealing with trademark-related matters as the status quo will remain unchanged in Myanmar until there is an official announcement of the implementation of the new Trademark Law. It cannot be denied that the new law is futuristic and is in line with international standards, and provides for an effective and dynamic framework for trademark registration and protection, especially for a developing country like Myanmar.

Visit us at Pintas Group if you are looking to register your intellectual property in Myanmar or any other ASEAN countries to protect your patent, trademark or the likes. We are your optimum selection to go for any intellectual property registration or any IP related services in any ASEAN countries.





# NEW SINGAPORE PATENT FAST TRACK PROGRAMME

On the 4th of May 2020, the Intellectual Property Office of Singapore (IPOS) launched the 'Singapore Patent Fast Track Programme'. The reason for the programme is due to the acknowledgement that IP offices play important roles in supporting innovators as they provide solutions that benefit society. The programme replaces the existing patent acceleration programmes, namely FinTech Fast Track and Accelerated Initiative for Artificial Intelligence, which ceased on the 25th of April and 3rd of May 2020, respectively.

Under the program, Patent applicants can obtain a grant of their Singapore application within a short period of time, such as, within six months upon filing the application. The programme is open to all innovators from any field of technology. Innovators are given equal opportunities to request on the file-to-grant process for their patent application.

The programme is set to run from the 4th of May 2020 to the 29th of April 2022. Currently, no official fees will be payable for using the programme. However, any revision on the framework or costs, if any, will be notified by IPOS in the future. To qualify for the programme, a patent application must comply with the following criteria:

- 1.The patent application must be first filed in Singapore (i.e. without any priority claim).
- 2.The patent application must not be a divisional application.
- 3.The patent application must contain no more than 20 claims.
- 4.There is available capacity for the patent application to be processed under the programme. Only 5 applications a month will be processed under the programme on a first come first served basis. The monthly cap is reset on the first day of the new month with any unutilized requests rolled over to the next month, subject to a maximum of 10 per month.
- 5.The patent application is filed by one who has not fully utilized his/her allowable number of requests under the programme which is set at 10 applications per year per applicant.



However, an important note is that the patent application has to be filed together with a Request for Search and Examination and accompanied with a 'FastTrack Document' stating the reason(s) why the patent application requires a shorter prosecution time-frame for grant as well as indicating the field of technology by which the invention relates. Several possible reasons for requesting this programme have been suggested, as follows:

- 1.The patent application is filed for an emerging technology with a short product lifecycle; or
- 2.The patent application relates to an invention that provides a solution in addressing an environment or public health issues, for example such medication or vaccines to combat COVID-19.

Once the patent application is accepted to be processed under the Programme, any formalities examination adverse report or written opinion relating to the substantive examination as issued by the IPOS must be responded to within 2 months upon receipt thereof to meet the prosecution timeline. Further, there is also a requirement that the patent application under the programme be published before the grant of the patent, therefore, a Request for Early Publication must be filed before or concurrently with the grant fee payment.

The Programme would be a great reinforcement for a worldwide patent filing strategy for patent applicants to use a first filing of a Singapore patent application, to accelerate their patenting process in the ASEAN region (via ASPEC) and in several countries worldwide via the Patent Prosecution Highway network.



# BREXIT: PROTECTION OF EUTM & RCD IN UK



On 1st February 2020, the United Kingdom (UK) left the European Union (EU) and became a third country. A Withdrawal Agreement has been concluded between the EU and the UK whereby it sets forth that during the transition period till 31st December 2020, EU law remains applicable to and in the UK. This includes the European Union Trade Marks (EUTMs), registered community designs (RCDs) regulations.

## # Registered EUTM and RCD

Any registered European Union Trade Marks (EUTMs), registered community designs (RCDs) and protected international trademark and design registrations designating the EU will no longer be effective and valid in the UK from 1st January 2021 onwards. Nonetheless, these rights will, without additional costs, immediately and automatically be reflected in the UK Register. The national UK right that is recorded in the UK Register, without issuance of a new UK registration certification, have the same filing, registration, priority, and renewal dates as the corresponding EU registered right subject to any challenges, assignment, licensing or renewal of the registered trademark.

## # Pending applications

It is noteworthy that re-filing of the trademark in the UK is required if you have a EUTM or RCD that is still pending on 1st January 2021. You will be able to re-file the said trademark application, with the same mark/design filed in the EU, within the 9 months from 1st January 2021 and the earlier filing and priority dates in the corresponding EU application will be retained. You shall take note that if the details of the new UK application do not reflect those of the corresponding EU application, then the earlier EU date(s) will not be recognised.

Nonetheless, if you do not intend to have the new national UK rights, you may opt out of holding it. Opting out will mean that the comparable right will be treated as if it had never been applied for or registered under the UK law. To request an opt out, a short notice must be submitted to the Registrar after 1st January 2021, any requests made before 1st January 2021 will not be entertained and shall not be valid.

## # Renewal

The new national UK registration will be a standalone registration in which a separate renewal fee will be imposed on both the UK registration and the corresponding EU registration and that the renewal fee to be paid separately to UKIPO and to EUIPO. For the ease of future renewal, the existing renewal date of the corresponding EUTM/RCD will be retained as the renewal date of the national UK registration.

If a trademark/design has expired in the 6 months prior to 1st January 2021 but is still within its 6-month grace period, the renewal fees shall be paid to EUIPO and the comparable UK trademark will be automatically renewed upon your payment to EUIPO. If a trademark/design expires within 6 months after 1st January 2021, a 6-month grace period will commence from the date of the renewal reminder sent by the UKIPO to the registration proprietor.

You may consult us, Pintas Group, in relation to the re-filing of trademark in the UK, renewal of the trademark registration and other intellectual property related issues.

## # Trade Mark Use

The use of a trademark in the EU prior to 1st January 2021, whether inside or outside the UK, will be considered as use of the comparable UK trademark. Use of a trademark in the EU (and not in the UK) after 1st January 2021 will no longer be taken into consideration. If a national trademark has not been used for a consecutive of 5 years in the UK, the said trademark is vulnerable to cancellation/invalidation.

You can get in touch with our experienced Malaysia trademark agent, patent agent & Industrial Design agent here or contact us at <https://pintas-ip.com/contact-us/>.



# ASPEC FOR INDONESIA



Applicants looking to expedite their patent applications in Indonesia who have a corresponding application in another Southeast Asian country may consider for the ASEAN Patent Examination Cooperation (ASPEC) as an alternative. Theoretically, the ASPEC Program seeks to increase efficiency and reduce translation costs, in addition to accelerate the examination of a patent examination. Under certain procedures, the application will be advanced out of turn for faster examination if the applicant files for special requests through the ASPEC Program, or simply by providing the examiner in charge the granted corresponding claims from other Patent Offices, such as the United States Patent and Trademark Office (USPTO), Japanese Patent Office (JPO), European Patent Office (EPO), and others.

The ASPEC Program was first launched on 15 June 1009, being the first regional patent cooperation project in Southeast Asia and remains part of the ASEAN Intellectual Property Rights Action Plan 2016-2025 to create “a more robust ASEAN IP System by strengthening IP Offices and building IP infrastructures in the region.” Under the ASPEC Program, search and examination (S&E) results from member states can be used by an examiner at another member state IP Office to help develop the search criteria or strategy more quickly, and also help to provide the examiner with information and/or assessment of prior art to which the examiner might not have otherwise have access.



In Indonesia, there are no official fees to request participation in the ASPEC Program. Applicants are only required to provide certain documents of correspondence and fill a request form in order to expedite the application process. It is noted that all of the required documents must be accompanied by an English translation if they are not originally in English.

The ASPEC Program can be a choice for applicants in Indonesia who have a positive examination result from another ASEAN member state, but the program is not yet commonly used as it is still unclear whether participation really does speed up examination and grant. Further while there are no official fees, there will be agent fees as well as translation costs that must be taken into consideration. However, a 100% allowance rate at final decision is still a very enticing factor for eligible applicants to consider as well.

If you are looking to register your intellectual property rights in Malaysia and accelerate the patent grant in Southeast Asia countries via the ASPEC Program, Pintas Group is your optimum selection to go for any intellectual property services in any ASEAN country.





# SUMMARY OF 2020 IP WEBINARS



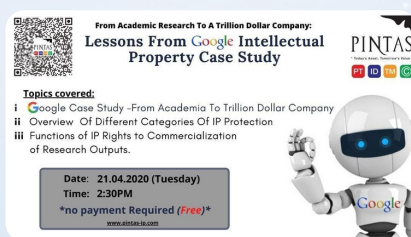
## You missed out our webinar ?

Scan the QR Code to view for the **IP Case Studies** and **IP Best Practices**, you are also most welcome to revisit our official Pintas website : <https://pintas-ip.com/case-study-video/>

## IP Case Studies



IP Amazon Case Study



IP Google Case Study



IP Microsoft Case Study



IP Dyson Case Study



IP Apple Case Study



IP Facebook Case Study

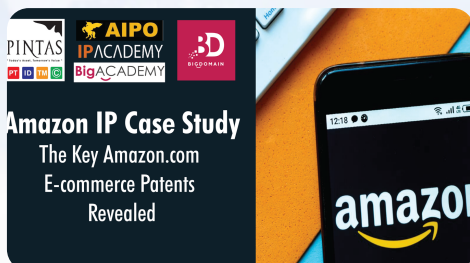
## IP Best Practices



7 Trademark SUPREME Rules



7 Patent SUPREME Rules



IP Amazon Case Study



亚马逊：电子商务之七大专利



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