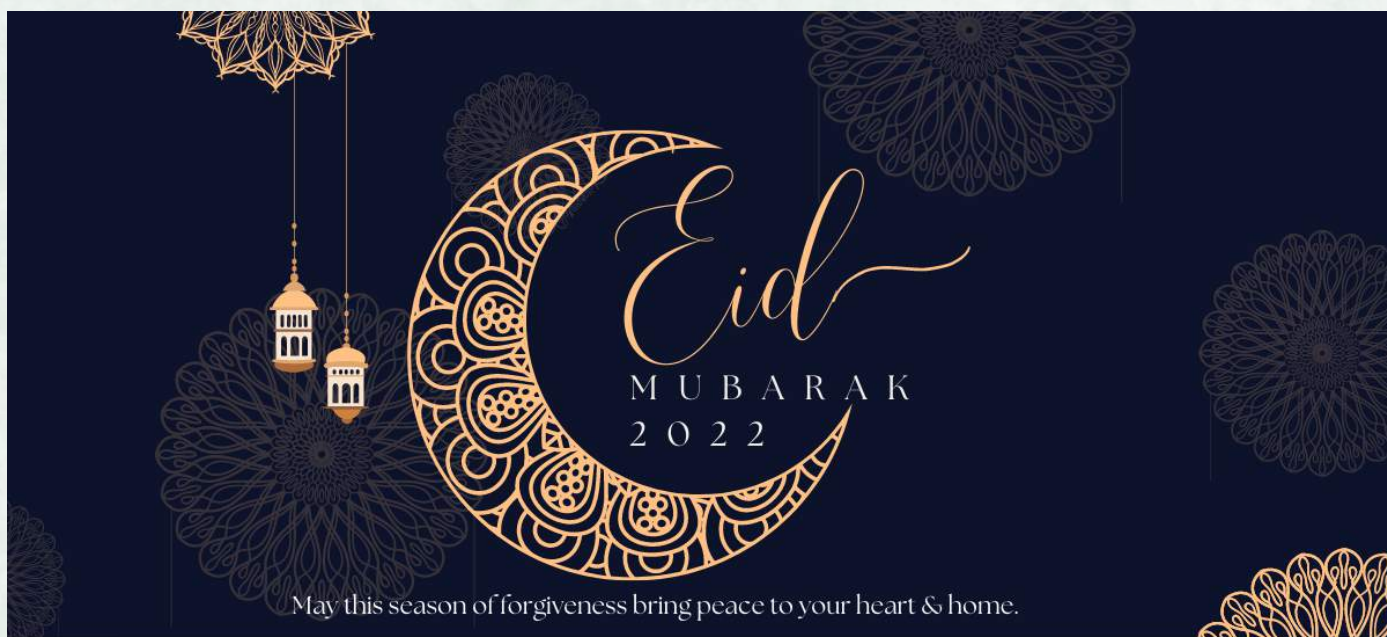


IPO TENTIAL

PINTAS

THE LATEST ASEAN INTELLECTUAL PROPERTY UPDATE



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EID Mubarak 2022

Greetings from Pintas IP Group.

Pintas IP Group wishes you a joyous celebration and prosperous days ahead. Also, 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 (ecommerce) 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.

KEY CHANGES TO SINGAPORE'S IP SYSTEM

Intellectual
Property



SINGAPORE



Businesses and entrepreneurs looking to register their intellectual property (IP) assets may be able to experience a more streamlined and efficient process after the Singaporean Parliament approved changes to IP laws on the 12th January 2022. This move was executed in order to encourage business owners and individuals alike to pursue protection for their intellectual properties. Known as the Intellectual Property (Amendment) Bill, include changes made to multiple intellectual property statutes here, comes amid Singapore's push to become an IP hub, as the value of intangible assets such as trademarks, patents, and copyrights are overshadowing the value of physical assets globally.

The following are the changes that are expected to be implemented this coming May 2022.

Trade Marks

1. The Intellectual Property Office of Singapore (IPOS) will be permitting partial acceptance for national trade mark applications. This will allow the expedition for applications that only face objections in relation to some of the goods or services claimed. Further, this aligns the practice with that currently in place for international applications designating Singapore.
2. The time frame to restore applications that have been treated as withdrawn will be shortened from 6 months to 2 months. This change will act as a driving force for applicants to carefully monitor and act before the relevant deadlines. This may also benefit prospective applicants that are waiting for the removal of earlier marks on the Register.
3. The definition of "earlier trade mark" in the context of citation objections will be clarified to include expired marks that may still be eligible for renewal or restoration.



Patents

1. IPOS will remove the fee for publishing an English translation of an international application, which will reduce the time, effort and cost for applicants filing non-English international applications.
2. Certain documents which were obligated to be provided prior to the amendment will be removed in prescribed circumstances, simplifying the patent prosecution process.
3. Examiners will be able to issue invitations to Amend instead of Written Opinions if they believe that the matter can be resolved without a formal response.
4. The Bill clarifies IPOS' ability to make patent documents available to the public, even in the absence of any request for the documents.
5. The law currently has no requirement for patent applications to include sequence listings, i.e. listings of nucleotides and amino acids, even when they might be relevant, especially in the biomedical and biotechnological inventions.
6. The registrar is allowed to issue practice directions setting out the format in which these sequence listings are to be filed, making patent searches easier and more thorough for examiners and the public.

Registered Design

1. An applicant may formally disclaim any right in relation to a specified feature of the design. This would be published and entered into the Register.
2. The term "articles or non-physical products" will be clarified to include "sets of articles and non-physical products".



Plant Variety Protection

1. The default obligation to provide propagating material during prosecution will be removed, but may still be requested in certain cases
2. The time period for submitting further information, documents, or propagating material requested by an Examiner may be discretionarily extended.
3. An applicant may submit a Breeder's test result to satisfy examination requirements if necessary.
4. A late fee penalty will be introduced for the late payment of annual fees.

Conclusion

Additionally, IPOS will be introducing an opposition mechanism in relation to requests to correct errors in applications or registrations which affect third parties, i.e., errors relating to the applicant's, proprietors or priority details. This change affects the Patents Act, Trade Marks Act, Registered Designs Act, Geographical Indications Act, and Plant Varieties Protection Act. The IP regime in Singapore has already been designed to support the development and use of emerging technologies, particularly with the focus of the masses shifting towards combating climate change and protecting the environment. This Bill allows for quicker protection for inventors, especially for those working in fields with short technology life cycles.

IPOS FEE CHANGES, IMPLEMENTATION OF IPOS DIGITAL HUB, AND LEGISLATIVE AMENDMENTS TO COME INTO EFFECT ON 29 APRIL 2022

The Intellectual Property Office of Singapore (IPOS) has updated the official fees which will take effect on 29 April 2022.

Most official fees for the filing and prosecution stage will increase about 5% to 6%, whereas renewal fees will increase about 15% to 18%. Some main fees updates are as below:

Patent Fee Updates:

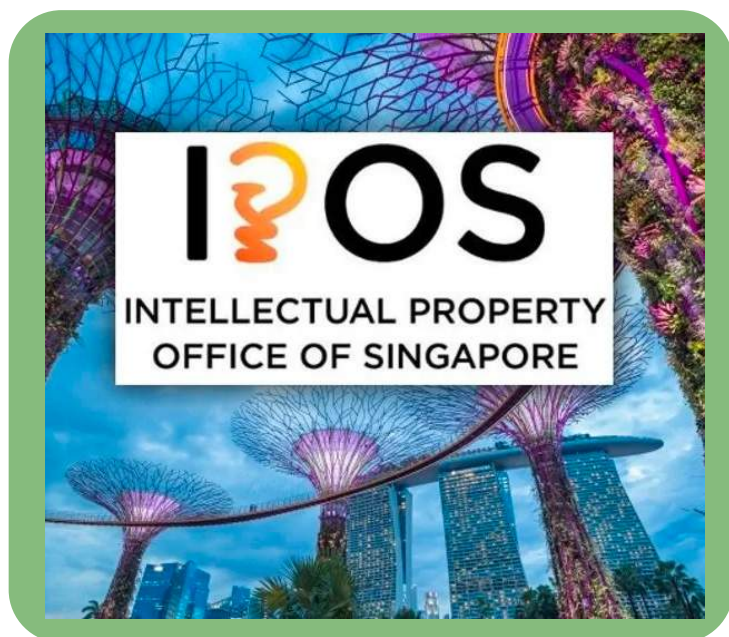
Form	Description	Current fee (SGD)	New Fees (SGD)
PF1	Request for grant of patent	\$160	\$170
PF37	Entry into National Phase	\$200	\$210
PF11	Request for search and examination report	\$1,650, plus \$40 per excess claim, if applicable	\$1,750, plus \$40 per excess claim, if applicable
PF12	Request for examination report	\$1,350, plus \$40 per excess claim, if applicable	\$1,420, plus \$40 per excess claim, if applicable
PF12B	Request for examination review	\$1,350	\$1,420
PF14	Payment of fee for grant of patent for all applications other than applications where the application for a patent is lodged before 14 February 2014 and has a date of filing before 1 July 2004	\$200, plus \$40 per excess claim, if applicable	\$210, plus \$40 per excess claim, if applicable
PF15	Payment of renewal fee		
	(a) for each year of renewal in respect of the 5th, 6th or 7th year of the patent	\$140	\$165
	(b) for each year of renewal in respect of the 8th, 9th or 10th year of the patent	\$370	\$430
	(c) for each year of renewal in respect of the 11th, 12th or 13th year of the patent	\$520	\$600
	(d) for each year of renewal in respect of the 14th, 15th or 16th year of the patent	\$670	\$775
	(e) for each year of renewal in respect of the 17th, 18th or 19th year of the patent	\$820	\$945

Trademark Fee Updates:

Form	Description	Current fee (SGD)	New Fees (SGD)
TM4	Application to register a trademark, collective mark or certification mark		
	a) for classes whose specifications are not fully adopted from pre-approved database	\$341 per class of goods or services	\$380 per class of goods or services
	(b) for classes whose specifications are fully adopted from pre-approved database	\$240 per class of goods or services	\$280 per class of goods or services
TM19	a) renewal of registration (on or before expiry)	\$380 per class of goods or services	\$440 per class of goods or services
TM27	Application to amend a trade mark application or registration (excluding change of name, address, or address for service): Entry of disclaimer or limitation to a trade mark registration	\$35 in respect of each trade mark number	\$40 in respect of each trade mark number

Registered Design Fee Updates:

Form	Description	Current fee (SGD)	New Fees (SGD)
D3	Application for registration of a design under Section 11 of the Act	\$250	\$200



IPOS has also announced the implementation of new online system named IPOS Digital Hub, which is to be launched on 4 May 2022 to replace the previous system, IP2SG.

To facilitate users' smooth transition to IPOS Digital Hub, the period from 29 April 2022 to 8 May 2022 (both dates inclusive), taking into account Saturdays, Sundays and Public Holidays falling within that period, will be a period of excluded days for Singapore filing.

For more details on the process changes and fee updates, please visit [https://www.ipos.gov.sg/docs/defaultsource/resources-library/patents/circulars/\(2022\)-circular-no-1.pdf](https://www.ipos.gov.sg/docs/defaultsource/resources-library/patents/circulars/(2022)-circular-no-1.pdf).

If you have any inquiries, please do not hesitate to contact our Singapore Patents Team at pintas.sg@pintas-ip.com.

COLLECTIVE MANAGEMENT ORGANIZATION: A NEW REGIME FOR COPYRIGHT LICENSING BODIES IN MALAYSIA



The Copyright (Amendment) Act 2022 (“Amendment Act”)[1] that came into force on 18th March 2022 brought a number of reforms to the Malaysian copyright law. One of the key changes is the introduction of the new collective management organization system.

Prior to this amendment, the Copyright Act 1987 (“CA 1987”) empowered licensing bodies to represent and administer the rights for groups of copyright owners, typically granting licenses to third parties and collecting royalties on behalf of the copyright owners. With the recent amendment, “licensing bodies” has been renamed as “collective management organizations” (“CMO”) in line with international practice. Notwithstanding the new terminology, the function of a CMO remains about the same, namely as a licensing body for copyright owners, authors or performers.[2] A more significant change caused by the new definition of a CMO is perhaps the change of the form of the licensing body from a “society or organization” to a “body corporate”.



[3] A body corporate, for the purpose of CMO, is defined as “a company limited by guarantee incorporated under the Companies Act 2016”. [4] Therefore, only companies limited by guarantee may apply to be declared as a CMO, in contrast to the previous position where any society or organization could make such application. It is also worth noting that the Amendment Act has set a term limit of two years to each declaration of a body corporate as a CMO, subject to renewals.[5] Previously, one could be declared as a CMO indefinitely. Finally, the Controller of Copyright is now empowered to issue “guidelines on any matter relating to the declaration and operation of a collective management organization” which are binding on the CMOs. [6]

In support of the amendments, the Copyright (CMO) Regulations 2022 (“Regulations”) were introduced by the Minister of Domestic Trade and Consumer Affairs. The Regulations that also came into force on 18th March 2022 had revoked the Copyright (Licensing Body) Regulations 2012 that was previously in use.[7] The Regulations provide that any pending application for declaration made under the revoked regulations shall be dealt with in accordance with the provision of the new Regulations.[8] Under the Regulations, an application for a declaration as COM shall be made to the Controller in Form CMO-1 of the Second Schedule together with a list of supporting documents and the fee specified in the First Schedule (RM20,000.00).[9] If satisfied that the applicant is fit and proper to be a CMO, the Controller may issue a declaration to the applicant and such declaration shall be valid for two years from the date of declaration.[10] Some other provisions that could be found in the Regulations are provisions that elaborate on the renewal[11] and revocation of declaration.[12]

This article is only intended to provide general information regarding the recent copyright law reforms. If you wish to find out more about your IP rights, please do not hesitate to consult us.

MALAYSIA PATENTS (AMENDMENT) ACT 2022

The Intellectual Property Corporation of Malaysia (MyIPO) has recently announced a Patents (Amendment) Act 2022 which was read and passed by the Upper House (Dewan Negara) of Parliament on the 22nd December 2021, in which the Act received the Royal Assent on the 4th March 2022. The Patents (Amendment) Act 2022 then came into force together with the implementing Regulations on the 18th March 2022. The amendments take into account Malaysia's commitments in various international treaties and agreements such as the TRIPS Agreement on public health, the Regional Comprehensive Economic Partnership Agreement (RCEP) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), as well as to comply with the provisions of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposed of the Patent Procedure.

With the enforcement of the Act, several notable provisions come into play for Malaysian patents for the first time. Here are some of the key changes under the amended Act:

- The deferment of substantive examination is no longer available, only deferment of modified substantive examination is available on the basis that the prescribed corresponding patent to be used for modified substantive examination has not been granted;
- The Registrar may require the patentee to file a request for re-examination of the amendment post-grant, or the patentee may make such a request on his own accord;
- Third party observation which entails that any person may, within the prescribed period, make observations on any matter relating to patentability of a patent application;
- Certain deadlines may no longer be extended;
- A divisional application cannot be filed once an application is granted, refused, deemed to be withdrawn, withdrawn or abandoned;
- A divisional application cannot be filed once an application is granted, refused, deemed to be withdrawn, withdrawn or abandoned;
- A reduced period for reinstatement of lapsed patents (due to non-payment of renewal fee), is now 12 months instead of 2 years from the date on which a notice of the lapsing of a patent is published;
- Any interested person may now initiate opposition proceedings within the prescribed period from the date of publication of the grant of a patent by filing a notice of opposition;
- Publication of patent applications to be direct applications only;
- Patents are now recognised as personal property or movable property capable of being the subject of security interest and security interest transactions may now be recorded with the Patents Office; and
- A notice of trust or a beneficiary of an express trust may now be accepted by the Registrar and entered into the Register. A notice of implied or constructive trust is still not allowed to be entered in the Register.



The amendments for the Patent Act are mainly to comply with Malaysia's obligations under the respective treaties to which Malaysia is a signatory. Besides the above notable changes in law and practice, the Act results in a substantial increase in official fees for all patent submissions to the Intellectual Property Corporation of Malaysia (MyIPO). Businesses and enterprises alike should be wary of changes to the law concerning intellectual properties as this may directly or indirectly affect their assets as a whole.

This article is only intended to provide general information regarding the latest changes to the patent law in Malaysia. If you wish to learn more about your IP rights, do not hesitate to consult us.

INDONESIA UPDATE - "POP-HC" TO SIMPLIFY THE PROCESS OF COPYRIGHT REGISTRATION

In conjunction with the Year of the Copyright this year, the Minister of Law and Human Rights has launched the "Automatic Approval for Copyright Registration" (POP-HC) to improve the efficiency of the Copyright registration process in Indonesia.



The recording process, which normally takes one day (one day service), will take only 7-10 minutes after the POP-HC system is set up. Since the implementation of the POP-HC application on December 20, 2021, DGIP has noticed a drastic increase in copyright recordation in the country. Undeniably, this POP-HC system has offered legal certainty and increased copyright owners' confidence.

Overview of POP-HC System

How does POP-HC work? Under the POP-HC system, the Directorate General of Intellectual Property (DGIP) will automatically accept and processes requests for copyright recordal and will automatically approve the copyright recordal application if the creation meets the following criteria:

- Not a copy and not essentially similar to other intellectual properties or creations belonging to other parties
- Not an expression of traditional culture
- Not a work of an unknown creator
- Not a work that is not protected by Copyright
- Not an artwork in the form of logo or a distinguishing mark used as a trade/service mark or used as a symbol of an organization, business entity, or legal entity
- Not a work that contravenes religious norms, moral norms, public order, state defence and security or laws and regulations
- Never been and not currently in a criminal and/or civil dispute in court

Why Copyright is especially fundamental in Indonesia

According to a survey conducted by the Global Intellectual Property Center, Indonesia was placed 33rd in the world for intellectual property protection, out of 38 countries. The finding indicates that many businesses do not see copyright as important, and copyright infringements are common in Indonesia.

One question that many creators have is why anyone would take the additional steps and expenses to register their copyright when the copyright protection is automatically vested on the creator when the work is published. The pros of having your copyright registered are that copyright owners are able to prove legal ownership in case of dispute and it would be useful in the commercialization of artistic creation.

Conclusions

With this POP-HC system in place, it can be seen that more copyright creators are willing to proceed with copyright registration and obtain better legal protection on their creation. In view thereof, the POP-HC system is expected to help the government to combat the rampant piracy issues in the country, especially when entering the digitally-supported creative era.

UPCOMING EVENT 2022





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Our Speaker : Mr. Lok Choon Hong
Managing Director of Pintas IP Group

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24 March 2022
(2p.m. to 3p.m.)



MICROSOFT IP@CASE STUDY
29 September 2022
(2p.m. to 3p.m.)



META IP@CASE STUDY
2 June 2022
(2p.m. to 3p.m.)



IKEA IP@CASE STUDY
24 November 2022
(2p.m. to 3p.m.)



SAMSUNG IP@CASE STUDY
28 July 2022
(2p.m. to 3p.m.)



APPLE IP@CASE STUDY
26 January 2023
(2p.m. to 3p.m.)

For more enquiries, contact us at :

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DRAFTING OF PATENT CLAIMS AND STATEMENT OF INVENTION

Objective

- Introduction to the different forms of Intellectual Property Rights and its function
- Understanding the fundamental of patent
- Identifying patentable features of an invention
- Determining important points and scope of protection to prepare statement of invention/claim
- Understanding infringement for broad protection of invention in claim drafting

Course Content

Module 1: Fundamentals of Patent for Researchers
Learn How to Identify Patentable Features and Draft Statement of Invention

- Overview of the Nature and Functions of Intellectual Property Rights
- Patents and Drafting of Patent Claims & Statement of Invention

Module 2: Drafting of Patent Claims & Statement of Invention

- Introduction to Patent Claims & Statement
- Practical Guide for Drafting Statement of Invention & Claims
- Workshop on the drafting of Patent Claim & Statement of Invention

-Exercise in identifying patent features, essential features & optional features

Target Group
CEO/CTO/ Head of Department for R&D center/ Technology Division /Engineers/ Scientists/ Inventors/ Innovators/Creators

Type of Programme:
Practical

Skills Area:
Intellectual Property

Duration:
7 hours (1-day training)

Training Methodology:
Online & In-house

Course Fee(Package A):
RM6,000
(Inclusive of training material)

Course Fee(Package B):
RM1300/pax(In-house)
RM 700/pax (Online)
(Inclusive of training material)

Customized Patent Drafting Workshop:

100% HRDF Claimable with case studies included.

Customized Patent Search Workshop:

100% HRDF Claimable with case studies included.



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PATENT SEARCH & ANALYSIS USING PATENT BIG DATA

Objective

- What is the different forms of Intellectual Property rights and their functions
- What to prepare for Patent Application
- How to do Patent Search using Free Database (keywords, classification etc)
- How to analyse search results to determine patentability of inventions and identify what aspects of the invention to be modified

Course Content

Module 1: Fundamentals of Patent for Researchers :
Learn How To Identify Patentable Features and Draft Statement of Invention

- Overview of the Nature and Functions of Intellectual Property Rights
- Patents and Information
- Requirements of Patent including patentability of inventions

Module 2: Patent Search and Analysis Using Patent Big Data

- Introduction to Patent Search
- Functions of Patent Database
- Patent Search Workshop

Target Group
CEO/CTO/ Head of Department for R&D center/ Technology Division /Engineers/ Scientists/ Inventors/ Innovators/Creators

Type of Programme:
Practical

Skills Area:
Intellectual Property

Duration:
7 hours (1-day training)

Training Methodology:
Online & In-house

Course Fee(Package A):
RM6,000
(Inclusive of training material)

Course Fee(Package B):
RM1300/pax(In-house)
RM 700/pax (Online)
(Inclusive of training material)

SUMMARY OF 2021 IP WEBINARS



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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



6 Must-Do-Steps To Create Your IP Assets From Your Idea



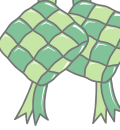
3 Main Methods To Value Your IP Assets: Uncovering Your Hidden Value



5 Steps To Keep Your IP Assets Out Of Trouble



Five Steps to Assert and Enforce Your IP Rights



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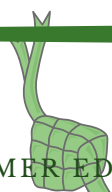
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