

INTELLECTUAL
PROPERTY

INFRINGEMENT

COPYRIGHT

Patent

VS

Trademark





What Is Intellectual Property?

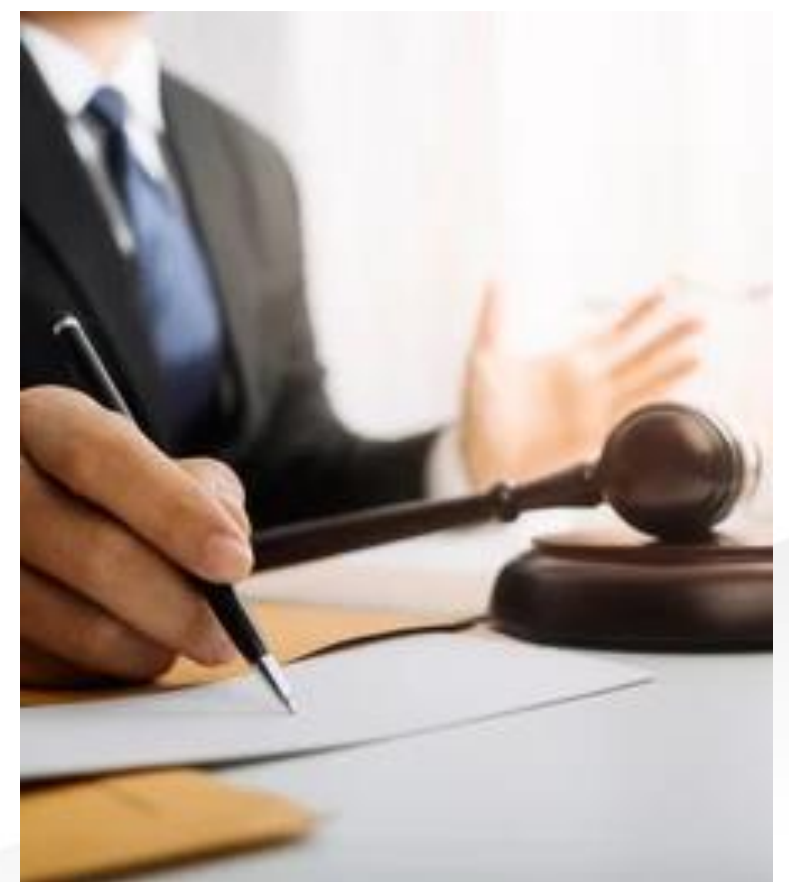
1

Intellectual property is an umbrella term for a set of **intangible assets** or assets that are not physical in nature.



2

Intellectual property is owned and **legally protected** by a company from outside use or implementation without consent.



Types of Intellectual Property (IP)

TYPES OF IP

There are three distinct types of intellectual property -

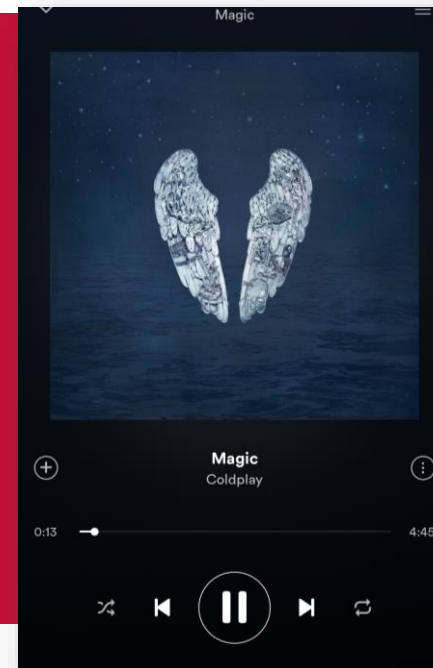
-  Patents
-  Trademarks, &
-  Copyrights

- which are often confused with one another. Let's focus on patent law and how it differs from trademarks and copyrights.



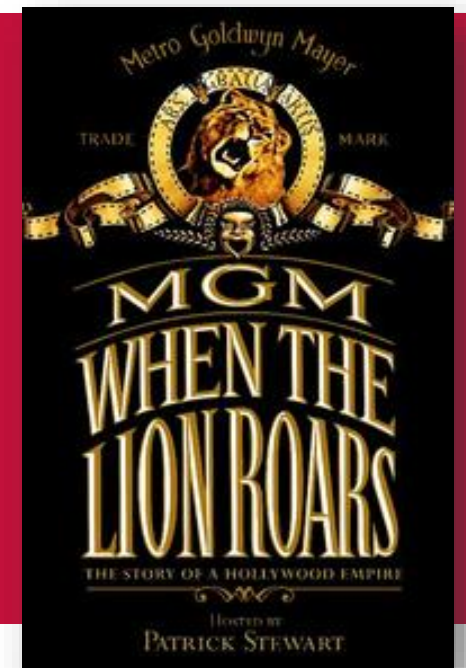
Patents

- a. A patent is a **property right** for an investor that's typically granted by a government agency.
- b. The patent allows the inventor **exclusive rights to the invention**, which could be a design, process, an improvement, or physical invention such as a machine.



Copyrights

- a. Copyright provides authors and creators of original material the **exclusive right to use, copy, or duplicate their material**.
- b. A copyright also states that the original creators can grant anyone authorization through a **licensing** agreement to use the work.




Trademarks

- a. A trademark is a **symbol, phrase, or insignia** that is recognizable and represents a product that legally separates it from other products.



TRADEMARK

Trademark

 A trademark, trade mark, or trade-mark is a recognizable sign, design or expression which identifies products or services of a particular source from those of others.

A sign includes any:-

- Letter
- Word
- Name
- Signature
- Numeral
- Brand
- Heading
- Label
- Shape of goods
- Packaging
- Colour
- Sound or scent
- Hologram
- Sequence of motion

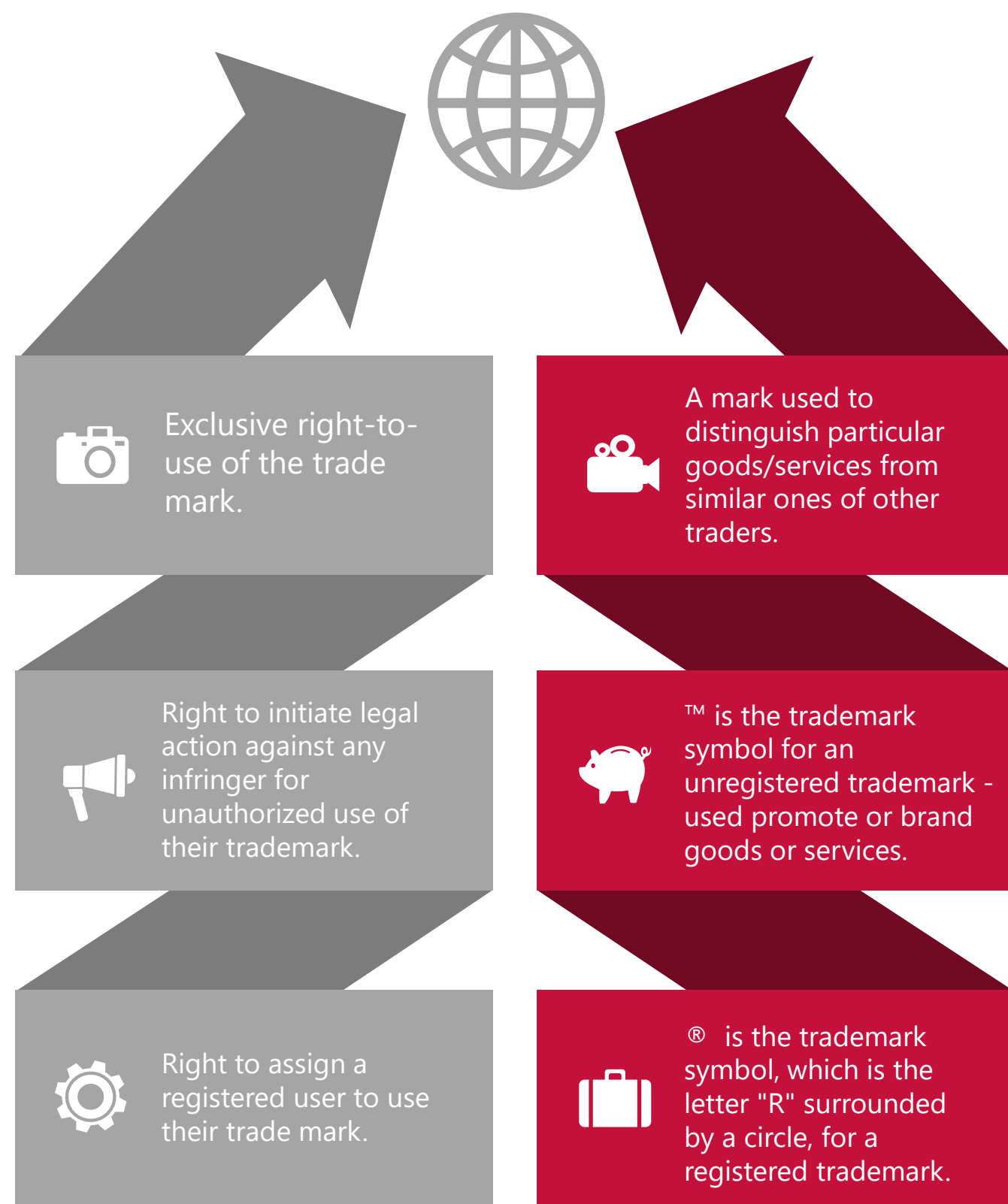
Or any combination thereof.

A trademark registration is valid for 10 years from the date of application (after registered) and renewable every 10 years.

A trademark identifies the brand owner of a particular product or service.

Trademarks can be used by others under licensing agreements.

Different goods and services have been classified by the International (*Nice*) Classification of Goods and Services into 45 Trademark Classes (*1 to 34 cover goods, and 35 to 45 cover services*).



**IMPORTANCE /
ADVANTAGES OF
TRADEMARK
REGISTRATION**

**TRADEMARK
SYMBOLS**



FAQs

What does a trademark protect?

A trademark protects words, names, slogans and logos to ensure the exclusive rights (on similar goods or services that would cause confusion) of usage to the owner of the mark.

What is a trademark search?

MyIPO (Intellectual Property Corporation of Malaysia) will not register a trademark that is similar to a mark that is already registered. This means that conducting a trademark name search is essential prior to filing and is recommended by most legal representatives. You can hire us to conduct trademark research for you.

When can I use the ® or TM symbols?

You may use the TM symbol next to your trademark right away. You may use the [®] next to your trademark only after your trademark has gone through the entire trademark registration process (approx. 9 – 14 months) and a Registration Certificate is issued.

Differences between Trademark, Industrial Design, Patent and Copyright.

Trademark provides an exclusive right to use a distinctive mark to indicate the source of goods and/or services. Industrial design refers to features of shape, configuration, pattern or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged by the eye. Patent generally protects invention and new technologies. Copyright protects creative output such as literary, artistic, dramatic or musical works.



01



02



03



04



Is there anything else I have to do to get my trademark filed?

Yes. Once we have completed all necessary steps (review and format the list of goods, statutory declaration & applicant details), we will email you the application's confirmation sheet for you to review, if everything looks good you must sign the application's confirmation sheet, then we will submit the application to Intellectual Property Corporation of Malaysia (MyIPO)

How long does it take to get a trademark certificate?

12-18 months for smooth registration (without office actions, objections or oppositions).

Is Malaysia citizenship required to obtain a trademark?

No. An applicant's citizenship must be included in the record, but it need not be Malaysia citizenship.

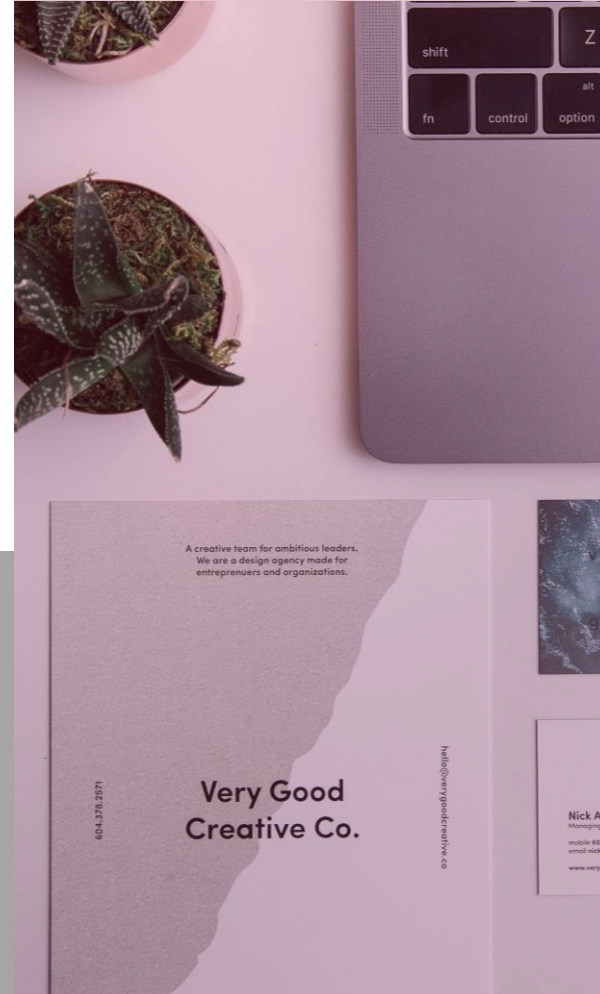
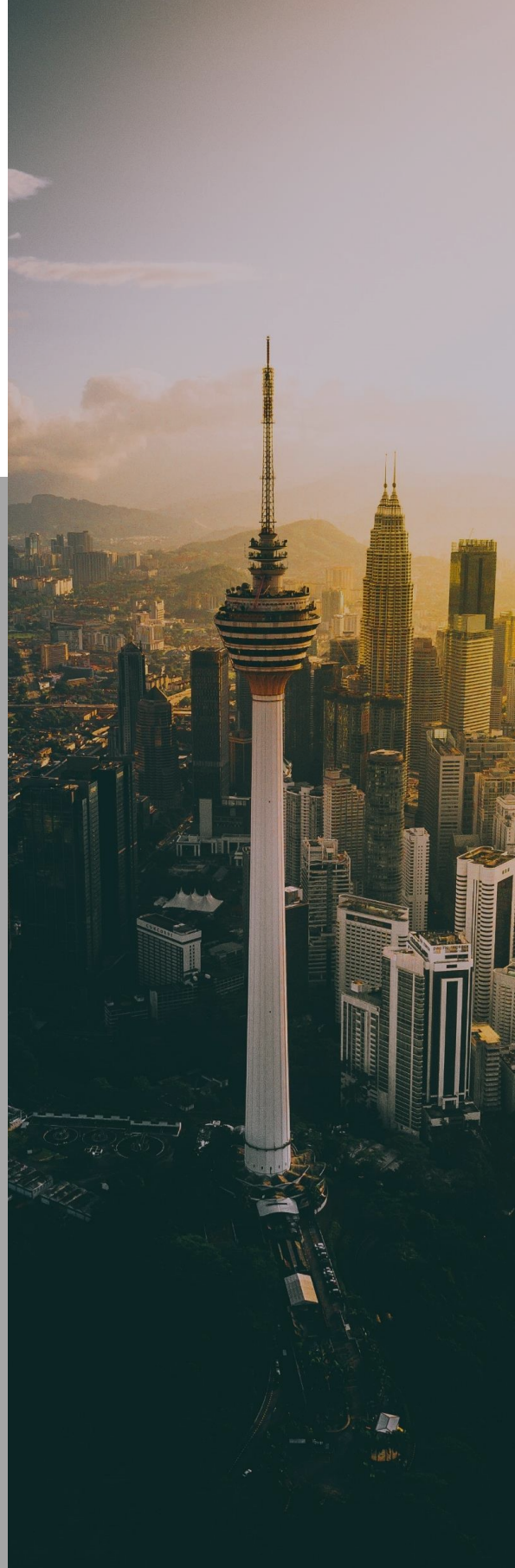
What is the difference between TM, SM and "R"?

TM is used to indicate a trademark, and SM to indicate a service mark. When a mark is registered, it turns into "R", the symbol used to indicate a registered trade or service mark.



Patent Basics

A patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem.

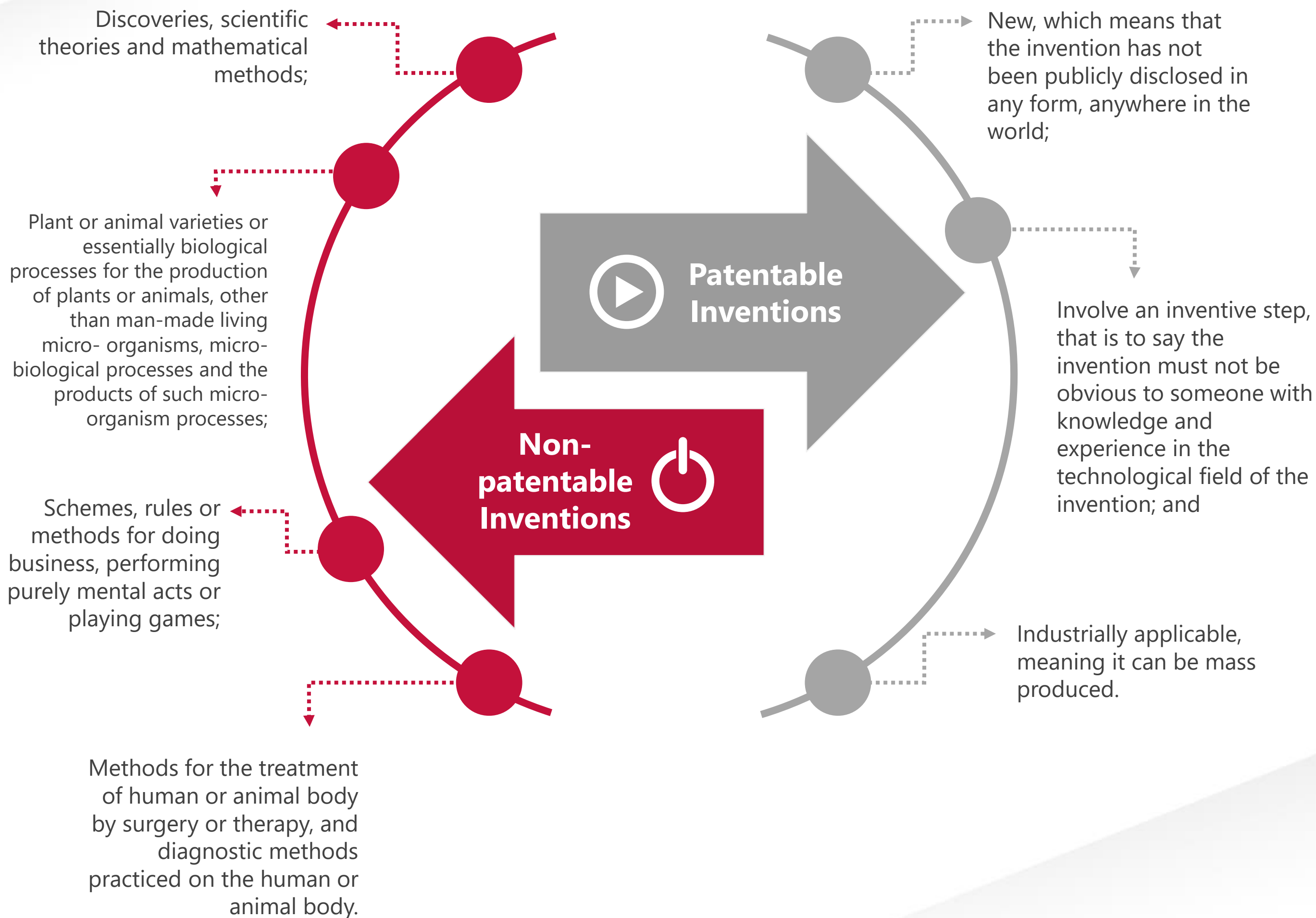


DEFINITION OF UTILITY INNOVATION

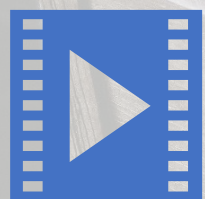
A utility innovation is an exclusive right granted for a "minor" invention which does not require to satisfy the test of inventiveness as required of a patent.



PATENTS



PATENTS



IMPORTANCE OF PATENT REGISTRATION

- To **exploit** the patented invention
- To **assign or transmit** the patent
- To conclude **license contracts**



DURATION OF PATENT

A patent is protected **20 years** from the date of filing.



DURATION OF UTILITY INNOVATION

A utility innovation is protected **10 + 5 + 5 years** from the date of filing subject to use.



WHO MAY APPLY?

Any person may make an application for a patent or for a utility innovation either alone or jointly with another person. The word "person" is **not limited to natural persons** and thus also includes, for example, a company.



FAQs

What kinds of inventions can be protected?

Patents may be granted for inventions in any field of technology, from an everyday kitchen utensil to a nanotechnology chip. An invention can be a product – such as a chemical compound, or a process, for example – or a process for producing a specific chemical compound. Many products in fact contain a number of inventions. For example, a laptop computer can involve hundreds of inventions, working together.



01

Is a patent valid in every country?

Patents are territorial rights. In general, the exclusive rights are only applicable in the country or region in which a patent has been filed and granted, in accordance with the law of that country or region.



02

How are patent rights enforced?

Patent rights are usually enforced in a court on the initiative of the right owner. In most systems a court of law has the authority to stop patent infringement. However the main responsibility for monitoring, identifying, and taking action against infringers of a patent lies with the patent owner.



03

Can I obtain a patent and keep my invention secret?

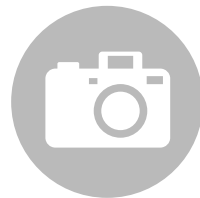
No. Patents are granted by patent offices in exchange for a full disclosure of the invention. In general, the details of the invention are then published and made available to the public at large.



04



What is the Difference Between a Patent and a Trademark?



Patents prevent others from making or selling an invention, but trademarks protect the words, phrases, symbols, logos, or other devices used to identify the source of goods or services from usage by other competitors.



Trademarks give the owner exclusive use of certain images and phrases, and the right to prevent others from using a similar mark that would confuse consumers about who was producing the goods or services the consumer was buying.



Typically, overlap does not occur, but in some cases, when a design patent protects the ornamental design of the product and the design is also used as an identifying symbol, both trademark and patent protection may apply.



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