



GEOGRAPHICAL INDICATIONS PROTECTION SYSTEM

MALAYSIA



OCTOBER 2015



Receipt of the application:

- An application for the registration of a geographical indication shall be made on Form GI 1 accompanied by a copy of statutory declaration by the applicant and the prescribed fee.
- The application shall be signed by the applicant or an agent appointed by the applicant.
- Application signed by an agent shall be accompanied by the statutory declaration of the applicant.
- Application shall be in the national language or the English language.
- Where the application or any document forming part of an application is in a language other than the national language or the English language the application shall be accompanied by a certified translation and the name of the language.

Application for registration

- Names of natural persons shall be specified in full and the names of legal entities shall be indicated by their full official designation.
- Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery and in any case shall comprise of all the relevant administrative units, including the house number, telegraphic and telex addresses and facsimile and telephone number, if any.
- The nationality of an applicant shall be indicated by the name of the country of which he is a national and legal entities shall indicate the name of the country in which the entities are constituted and their registered office.
- Residence shall be indicated by the name of the state of which a person is a resident.
- An applicant, opponent or registered proprietor of a geographical indication who does not reside or carry on business in Malaysia shall file Form GI 2 giving an address for service in Malaysia and such address may be treated as the actual address of the person for all purposes connected with the matter in question.

For the purposes of the registration of geographical indications, goods are classified in the manner prescribed in the Third Schedule:

- Class 1- Wine and spirit: Wine, Spirit
- Class 2- Manufactured Goods: Handicraft, Food
- Class 3-Natural product: Mineral, Agricultural
- Class 4 Miscellaneous: Other not included in Class 1 to 3.



Examination:

(1) Upon the Registrar being satisfied that the application has complied with the requirements that the geographical indication is not contrary to public order and morality, the Registrar shall notify the applicant and request payment of the appropriate fee by way of filing Form GI 3; and if the applicant does not pay the fee within two months of receipt of the Registrar's request, he shall be deemed to have abandoned his application.

(2) Upon the receipt of the fee referred within the stipulated time, the Registrar shall proceed to publish the application setting out:

- (i) the geographical indication for which registration is sought;
- (ii) the name, address and nationality of the natural person or legal entity filing the application, and the capacity in which the applicant is applying for registration;
- (iii) the name and address of the agent, if any;
- (iv) the address for service if any agent has not been appointed;
- (v) the demarcation of the geographical area to which the geographical indication applies;
- (vi) the goods for which the geographical indication is used;
- (vii) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication may be used; and
- (viii) the filing date and number of the application.

Registration and opposition

Where the Registrar decides to register the geographical indication, he shall notify the applicant in writing requesting him to pay the registration fee within two months from the date of the notification.

Upon payment of the registration fee, the Registrar shall register the geographical indication. The registration of the geographical indication shall include-

- (i) the geographical indication registered;
- (ii) the demarcation of the geographical area to which the geographical indication applies;
- (iii) the name and address of the natural person or legal entity in whose name the indication is registered;
- (iv) the name and address of the agent, if any;
- (v) the address for service if an agent has not been appointed
- (vi) the goods for which the geographical indication is used;
- (vii) the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used; and
- (viii) the filing date and number of the application as well as the date of registration.



Opposition

Any person may within two months from the date of advertisement give notice in writing to the Registrar, on Form GI 4 accompanied by the prescribed fee of opposition to the registration and in any such case shall at the same time send a copy of the notice to the applicant.

A notice of opposition to the registration shall include a statement of the grounds upon which the opponent objects to the registration of the applicant's geographical indication.

CONTACT

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