



Of Innovation and Funding

BY OON YEN YEN Innovation generates wealth but wealth is needed to generate innovation. Malaysian innovators are no strangers to this catch-22 scenario. As any innovator would attest, the financial hurdles involved in taking an innovation from laboratory to market are not for the fainthearted.

As a nation, Malaysia is briskly moving toward a knowledge-based economy and her funding infrastructure, within which innovation is so carefully nurtured, is a strong testament to this. Funds have been made available throughout the length of the innovation value chain, from conception to commercial fruit.

Besides the Ministry of Finance (MOF) initiated Cradle Investment Program, funding for innovation is primarily made available through the Ministry of Science, Technology & Innovation (MOSTI) and the Malaysian Technology Development Corporation (MTDC).

MOSTI encourages commercially viable innovation and nurtures its

evolution from laboratory to market-place by funding applied research projects in priority technology clusters. Intellectual property (IP), specifically patents, is a pre-requisite for funding with proof of patentability a must, and procurement of a granted patent a key milestone. Its Science Fund provides grants to institutes of higher learning and research institutes for lab-scale research. Pre-commercial activities such as development of prototypes and pilot plants, and clinical trials are funded through its Techno Fund.

MTDC is tasked with turning newly commercial innovation into income generators and registered IP is an eligibility benchmark for funds under its stewardship. Partial funding is provided either by way of a match-funding model or a hybrid-financing model. In the former, early-stage funding is provided in the form of non-repayable grants through the Commercialization of Research and Development Fund (CRDF) or the Technology Acquisition Fund (TAF). In the latter, repayable funds are available to companies through the Business Growth Fund (BGF) or the Business Start-Up Fund (BSF).

Recent amendments to Malaysia's IP laws resulted in provisions for monetization and securitization of IP, paving the way for innovators to obtain downstream funding from financial institutions. Government-linked agencies are presently working together toward a national IP valuation model in which IP practitioners are poised to play a key role.

All this augurs well for an innovator-friendly Malaysia and lays a solid foundation for local innovators to stand their own in the global market. 



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Final Call for Brunei Patents

Under the new patent law in Brunei Darussalam since 2012, the option of re-registering patents from Malaysia, Singapore and the UK (including via the EPC) is being phased out. However, a patent that was granted for any of those countries from 01 January 2009 to 31 December 2011, and is in force as of 01 January 2012, may still be re-registered by a final deadline of 31 December 2013.

Clients and associates are accordingly advised to contact us in good time at malaysia@henrygoh.com if they wish to proceed with patent re-registration in Brunei.

Singapore

Accelerated Patent Application

BY AMEEN KALANI

The Intellectual Property Office of Singapore (IPOS) and the State Intellectual Property Office of the People's Republic of China (SIPO) have signed a Memorandum of Understanding (MoU) on the piloting of a Patent Prosecution Highway (PPH) programme between Singapore and the People's Republic of China. The two-year pilot programme will begin 1 September 2013 and is part of IPOS' efforts to build a comprehensive suite of international agreements to provide Singapore-based businesses with faster and more cost effective ways to protect their inventions in major markets across the world.

IPOS has similar PPH agreements with US, Japan and South Korea. IPOS is also part of a similar acceleration arrangement in ASEAN known as the ASEAN Patent Examination Co-operation (ASPEC) programme.

It is common practice for businesses that intend to manufacture or sell their innovative products in another country to file for patent protection. The process normally

takes between 4 to 5 years for a patent to be granted.


To enhance Singapore's suite of IP services, the newly formed patent examination office in Singapore was inaugurated in a ceremony on 28 May 2013. With the newly formed patent examination office and the suite of international patent agreements that IPOS is building, applicants can look forward to filing a patent application with IPOS and have it accelerated to major markets in less than 50% of the time taken previously. This works out to a saving of between 2 to 3 years.

Under the accelerated process, applicants will be able to determine the patentability of their inventions within 12 months. This will give them a better understanding of whether their invention can be successfully patented in overseas markets. Should applicants decide to proceed with an accelerated application route, they can avail themselves of the PPH agreements or the ASPEC programme that Singapore has established.

Under the respective PPH agreements or ASPEC programme, partner patent offices will work share

so as to avoid duplication of examination work and to accelerate the examination process. With the establishment of its own patent examination office, IPOS believes that the quality search and examination reports and patents analytics performed in Singapore will lead to greater acceleration for patent applications in partner countries. A shorter wait time will give business owners greater assurance in protecting their invention in new markets.

The current patent examination office in IPOS comprises mostly PhD-holder patent examiners. It is structured to support the unique focus of the Singapore Research and Development eco-system. Most of the examiners hold specialisation in biotechnology, pharmaceuticals, chemistry, nano-materials, semiconductors and info-communications technology. The office will expand to a total of 50 patent examiners by next year.

The establishment of its own patent examination office gives IPOS greater control over the quality and quantity of patent examination. 



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ASEAN IP Portal

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BY LIM ENG LEONG In conjunction with World IP Day this year on 26 April, the ten-member ASEAN (Association of Southeast Asian Nations) states launched the ASEAN IP Portal (www.aseanip.org) with much fanfare. With lead development by Thailand and Singapore, the portal is considered one of the more tangible outputs of the ASEAN IPR Action Plan 2011-2015. The portal, serving as a hub for ASEAN-related IP issues, marks a significant milestone in IP enhancement.

Even at this infancy stage since the launch, stakeholders can already access useful information on the different IP prosecution systems of each member states, comparative data on IP registration procedures and

enforcement mechanisms, case laws and national legislations, web links to all ASEAN IP offices and statistics; all via a consolidated platform. Of particular interest is the 'Consolidated List of Ethnic Goods & Services' that includes items that we in ASEAN have long considered common and should have been recognized by the NICE Classification long time ago – including mango, ginseng, durian, batik cloth, songket, etc. This list will be submitted to WIPO and will assist applicants and trademark examiners in the identification of such goods and classifying them in the appropriate class.

The one-stop ASEAN IP Portal facilitates the flow and sharing of information within this robust

economic region, such as notices and procedures on the ASEAN Patent Examination Co-operation (ASPEC). As a single and collective entity, ASEAN represents almost 10% of the world population and is the eighth largest global economy. Ambition is being put into concrete plans to establish the ASEAN Economic Community by 2015. Therefore the portal represents increased accessibility to information and will strengthen IP systems of the member states and raise the level of IP awareness in the region. 🌐

Note: ASEAN comprises Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

National Workshop on Industrial Designs

BY JASON CHEAH The Malaysian Intellectual Property Office in conjunction with the World Intellectual Property Organization (WIPO) organized and hosted a National Workshop in Kuala Lumpur on 4-5 June 2013, which was attended by representatives from institutes of higher education, governmental

organizations and IP practitioners.

The workshop spread over one-and-a-half days provided a primer on the legal framework and concept of industrial designs to those who were new to the subject, and more importantly for the IP practitioners, provided updates on the Industrial Designs (Amendment) Act 2013 which

came into force on 01 July 2013, an introduction to the Hague System which Malaysia is expected to accede to by 2015 (in line with the ASEAN IP framework), a brief on the benefits of the Hague System and also a very informative brief on the Locarno Agreement. 🌐

INTA 2013 Annual Meeting in Dallas

BY AZLINA A KHALID This year more than 8000 delegates congregated in Dallas for the 135th INTA Annual Meeting. The Firm's contingent from Kuala Lumpur comprised of our Managing Director, Ms. Karen Goh, Senior Legal Counsel, Ms. Azlina Aisyah Khalid and Business Development Manager, Ms. Oon Yen Yen. The event, held from 04 - 09 May 2013, was also attended by our Singapore Director, Mr. Ameen Kalani.

Despite being welcomed by unusually cold weather, all had a fruitful and beneficial INTA meeting. It was the perfect opportunity to catch up with our valued associates who hailed from all

over the world. Notwithstanding a tight and busy schedule, they agreed that the meetings were highly productive. In addition, Henry Goh's contingent attended several receptions, which led to more networking opportunities where they met new

associates and prospective business partners.

Dallas, Texas would certainly be remembered as a gracious INTA host city with its warm Southern hospitality. 🌐





IAM Patent 1000

Henry Goh is proud to announce that our Firm has been ranked as one of Malaysia's Recommended Firms in IAM 1000, the World's Leading Patent Professionals 2013. IAM 1000 is a standalone publication that recommends firms and their individual practitioners exclusively in the area of patents and identifies the leading players in over 50 key jurisdictions.

Our patent team has been rated by IAM 1000 as "top of the line" and lauded for its excellent drafting ability, astute prosecution and active engagement in the development of Malaysia's patent laws.

We are also delighted to announce that our Executive Director and Head of Patent Department, Mr. Dave A. Wyatt, has been named as Malaysia's IAM 1000 Recommended Individual 2013 and has been given due recognition as a leading expert in Malaysian patent law.

Many congratulations to our hardworking Patent Team so ably led by Dave, for yet another feather in their cap!

Trademark Agent

The Firm would like to extend its heartiest congratulations to Ms. Lee Suet Yin, the latest addition to our roster of Registered Trade Mark Agents.

Since 2006, she has risen through the ranks and is now the key contact person for local clients, advising them on an array of trade mark pre-filing matters. She is also our Regulatory Executive handling product and cosmetic registrations.

Well done, Suet Yin!



An Egg-Citing Run!

It has now become an annual affair for Henry Goh to take part in fun runs with a charitable cause as a way to promote a healthy lifestyle amongst staff. This year, the Firm decided to participate in the 'Kenny Rogers' Roasters Chicken Run for Charity', whose main beneficiary was the Little Yellow Flower Education Foundation. It was a run with a twist since all participants were required to run 6.8 kilometres whilst balancing an egg in a cone.

On 23 June 2013, despite a slightly hazy morning the crowd gathered at the entrance of Sunway Lagoon, Selangor and half of the Firm's staff turned up in high spirits, all raring to go. After completing the run with eggs intact with an average time of slightly over 60 minutes, the fun photo shoots took precedence. The People of Henry Goh were then treated to complimentary drinks and tickets to the exhilarating Sunway Lagoon Theme Park.



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