



12 Julai 2013
12 July 2013
P.U. (A) 225

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN PETUNJUK GEOGRAFI
(PINDAAN) 2013

*GEOGRAPHICAL INDICATIONS (AMENDMENT)
REGULATIONS 2013*



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PUBLISHED BY
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ATTORNEY GENERAL'S CHAMBERS

GEOGRAPHICAL INDICATIONS ACT 2000**GEOGRAPHICAL INDICATIONS (AMENDMENT) REGULATIONS 2013**

IN exercise of the powers conferred by section 32 of the Geographical Indications Act 2000 [Act 602], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Geographical Indications (Amendment) Regulations 2013**.

(2) These Regulations come into operation on 15 July 2013.

Amendment of regulation 2

2. The Geographical Indications Regulations 2001 [P.U. (A) 247/2001], which are referred to as the “principal Regulations” in these Regulations, are amended in regulation 2 by inserting before the definition of “Office” the following definition:

““registrable offence” has the same meaning assigned to it in the Registration of Criminals and Undesirable Persons Act 1969 [Act 7];”.

Amendment of regulation 14

3. The principal regulations are amended in regulation 14 by inserting after subregulation (3) the following subregulation:

“(4) The Registrar may decline to recognize any person as an agent who is not currently in the Register of Geographical Indications Agents maintained under regulation 14A.”.

New regulations 14A, 14B, 14C and 14D

4. The principal Regulations are amended by inserting after regulation 14 the following regulations:

"Registration of agents

14A. (1) An application to be registered as a geographical indication agent shall be made to the Registrar in Form GI 15 accompanied by payment of the prescribed fee.

(2) For the purpose of registration as a geographical indication agent under this regulation, the applicant shall satisfy the Registrar that he is either domiciled or resident in Malaysia or has a principal place of business in Malaysia, and—

- (a) is in the Register of Patents Agents maintained pursuant to the regulations made under the Patents Act 1983 [Act 291];
- (b) is in the Register of Trade Marks Agents maintained pursuant to the regulations made under the Trade Marks Act 1976 [Act 175];
- (c) is an advocate and solicitor practising in Malaysia;
- (d) holds a recognized degree in any field of studies and has acquired the necessary knowledge or experience in the field of industrial property; or
- (e) has at least three years of experience in the field of industrial property by virtue of him being an ex-officer of the Office.

(3) The Registrar shall, upon being satisfied that the applicant fulfills the conditions under subregulation (2), register the applicant for a term expiring every year on the 31 December of that year.

(4) The Registrar shall not register any person who has been convicted of any registrable offence or any criminal offence involving fraud or dishonesty.

Removal of agents

14B. An agent shall be removed from the Register of Geographical Indications Agent if he—

- (a) is no longer domiciled or resident in Malaysia or no longer has a principal place of business in Malaysia;
- (b) is convicted of a registrable offence or any criminal offence involving fraud or dishonesty;
- (c) is an undischarged bankrupt; or
- (d) has been struck off from, and not restored to, or is suspended for the time being from the Register of Patents Agents, the Register of Trade Marks Agents or the Roll of Advocates and Solicitors.

Renewal of agents

14C. (1) An application for the renewal of registration as a geographical indication agent shall be made to the Registrar in Form GI 16 accompanied by payment of the prescribed fee by 31 January of every year.

(2) The Registrar shall, upon being satisfied that the conditions specified in subregulations 14A(2) and (4) continue to be satisfied, renew the registration of the geographical indication agent for a term expiring every year on 31 December of that year.

Register of Geographical Indications Agents

14D. The Registrar shall maintain a Register of Geographical Indications Agents.”

Amendment of regulation 29

5. Regulation 29 of the principal Regulations are amended by substituting for subregulation (1) the following subregulation:

“(1) As soon as may be after the expiration of two months from the date of the publication of the application under subregulation 16(2) and upon payment of the registration fee under regulation 28, the Registrar shall register the geographical indication and enter the geographical indication in the Register in accordance with section 19 of the Act and these Regulations.”.

New regulations 29A, 29B, 29C, 29D, 29E, 29F and 29G

6. The principal Regulations are amended by inserting after regulation 29 the following regulations:

“Renewal of registration of geographical indication

29A. (1) An application for the renewal of the registration of a geographical indication shall be made by the registered proprietor or his agent in Form GI 17 accompanied by payment of the prescribed fee within a period of not less than three months before the expiration of the last registration of the geographical indication.

(2) If the person who files Form GI 17 is other than the registered proprietor or his authorized agent, the person shall enter in the form his name and address and shall attach a letter of authority from the registered proprietor authorizing him to renew the registration of the geographical indication.

Reminder of renewal of registration of geographical indication

29B. (1) If on a date of not less than one month and not more than two months before the expiration of the last registration of a geographical indication, Form GI 17 accompanied by payment of the prescribed fee has not been received, the Registrar shall notify the registered proprietor in writing of the impending expiration of the last registration of a geographical indication.

(2) Any such notification may be made in accordance with subregulation 12(5).

Late renewals of registration of geographical indication

29C. If within six months from the expiration of the last registration of a geographical indication the renewal fee has not been paid and if Form GI 18 is filed accompanied by payment of the late renewal fee, the Registrar shall renew the registration without removing the geographical indication from the Register.

Removal of geographical indication

29D. The Registrar shall, on the expiration of the last registration of a geographical indication, remove the geographical indication from the Register if the late renewal fee has not been paid by the end of the period of six months referred to in regulation 29C.

Restoration of geographical indication

29E. The Registrar may, upon such conditions as he may think fit, restore the geographical indication that has been removed from the Register and renew its registration if Form GI 19 is filed together with Form GI 18 accompanied by payment of the late renewal fee within twelve months from the expiry of the last registration of a geographical indication.

Record of removal of geographical indication

29F. Where a geographical indication has been removed from the Register for non-payment of the renewal fee or late renewal fee, the Registrar shall enter in the Register a record of such removal and the cause of the removal and shall advertise the fact of the removal in the *Gazette*.

Notice and advertisement of restoration of geographical indication

29G. The Registrar shall, upon the restoration of a geographical indication, notify the registered proprietor of such restoration and advertise such restoration in the *Gazette*."

Amendment of First Schedule

7. The First Schedule of the principal Regulations is amended in Part I by inserting after item 14 the following items:

| <i>“Form GI</i> | <i>Matters or Proceedings</i> | <i>Fee RM</i> |
|---------------------|---|-------------------|
| 15. | Application for registration of a geographical indication agent | 500.00 |
| 16. | Application for renewal of registration of a geographical indication agent | 150.00 |
| 17. | Application for renewal of registration of a geographical indication | 420.00 |
| 18. | Application for late renewal of registration of a geographical indication”. | 630.00 |

Amendment of Second Schedule

8. The Second Schedule to the principal Regulations is amended—

(a) by inserting after item 14 the following items:

- “15. Application for registration of a geographical indication agent
- 16. Application for renewal of registration of a geographical indication agent
- 17. Application for renewal of registration of a geographical indication
- 18. Application for late renewal of registration of a geographical indication

19. Application for restoration of registration of a geographical indication”;

(b) by substituting for Form GI 1 the following Form:

**“CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY**

GI 1

**GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001**

| | |
|---|---|
| <p>APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION [Subregulation 6(1)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p> | <p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>APPLICATION NO.:</p> <p style="text-align: right;">(Office's Stamp)</p> <p>Date of fees received:</p> <p>Amount:</p> |
| | <p>Applicant's or agent's file reference</p> |

THE APPLICATION OF THE APPLICANT FOR THE REGISTRATION OF A GEOGRAPHICAL INDICATION IN RESPECT OF THE FOLLOWING PARTICULARS:

I. Full name and address of applicant:

.....

.....

(If the applicant resides abroad, an address for service in Malaysia shall be provided)

Nationality:

Country of residence or principal place of business:

Capacity in which applicant is applying for registration:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

II. Full name and address of agent (if any):

.....

.....

(If this is the address for service and is not yet in record, Form GI 2 shall be filed with this Form)

Agent's Registration No. (if known):

Agent's Own Reference:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

III. GEOGRAPHICAL INDICATION

The geographical indication for which registration is sought such as follows:

IV. GEOGRAPHICAL AREA

The following is the demarcation of the territory of the Country, or region, or locality in that territory, to which the geographical indication applies, and from which the goods for which the geographical indication is used originate:

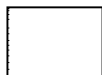
Additional information, possibly in graphic forms, maps, *etc.*:



Accompanies this Form

V. GOODS

The goods for which the geographical indication is used are as follows:

VI. DESCRIPTION OF PRODUCT

Additional information accompanies this Form

a. Colour:

b. Shape:

c. Texture:

d. Size:

e. Weight:

f. Taste:

VII. QUALITY, REPUTATION OR OTHER CHARACTERISTIC

The quality, reputation or other characteristics of the goods for which the geographical indication is used, and any conditions under which the indication may be used are as follows:



Additional information accompanies this Form

VIII. PROOF OF ORIGIN☐

Additional information accompanies this Form

IX. CAUSAL LINK BETWEEN THE GEOGRAPHICAL AREA AND A SPECIFIC QUALITY, THE REPUTATION OR OTHER CHARACTERISTICS OF THE PRODUCT (E.G.: SOIL CONDITION, CLIMATE CHARACTERISTICS, HUMAN FACTOR, PRODUCT REPUTATION)☐

Additional information accompanies this Form

X. SPECIFIC STEPS IN PRODUCTION THAT MUST TAKE PLACE IN THE IDENTIFIED GEOGRAPHICAL AREA (E.G.: SOIL PREPARATION, SELECTION AND TREATMENT OF SEED, SEED PLANTING AND FIELD MANAGEMENT (E.G.: METHODS OF FERTILIZING, HARVESTING, STORING, ETC.))☐

Additional information accompanies this Form

XI. DESCRIPTION OF LABELLING (IF ANY)**XII. AWARD/RECOGNITION FROM AUTHORIZED BODY (IF ANY) E.G.: JAKIM, SIRIM****XIII. INSPECTION BODIES/AUTHORITIES VERIFYING COMPLIANCE WITH THE PRODUCT SPECIFICATION AND QUALITY (IF ANY)****XIV. OTHERS (if any)****XV. FEES**☐

Accompanies this Form

XVI. DECLARATION

Signature:

Name of signatory (in block letters):

Date:

(If the applicant is a partnership, the full names of all partners shall be stated)

- Note:**
1. A copy of the statutory declaration by the applicant shall be attached.
 2. An agent signing this Form on behalf of the applicant shall satisfy himself as to the truth of the declaration.

(c) by inserting after Form GI 14 the following Forms:

**"CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY**

GI 15

**GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001**

| | |
|---|--|
| <p>APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION AGENT [Subregulation 14A(2)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p> | <p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Date of fees received: Amount:</p> <hr/> <p>Applicant's or agent's file reference</p> |
|---|--|

I. APPLICANT

Name:

Address:

Nationality:

Permanent residence or principal place of business:

Tel. No.:

Fax No.:

II. QUALIFICATIONS

(Please attach copies of qualifications certified by a Commissioner for Oath)

III. EXPERIENCE

(Please submit in the form of statutory declaration)

IV. DECLARATION

I hereby declare that all the information given above are true and correct.

Signature:

Date:

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

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| GI 16 |
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GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

| | |
|---|--|
| <p>APPLICATION FOR RENEWAL OF REGISTRATION OF A GEOGRAPHICAL INDICATION AGENT [Subregulation 14C(1)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p> | <p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Date of fees received:</p> <p>Amount:</p> |
| <p>Applicant's or agent's file reference</p> | |
| <p>I. APPLICANT</p> <p>Name:</p> <p>Address:</p> <p>Nationality:</p> <p>Permanent residence or principal place of business:</p> <p>Tel. No.:</p> <p>Fax No.:</p> | |
| <p>II. QUALIFICATIONS (Please attach copies of qualifications certified by a Commissioner for Oath)</p> | |
| <p>III. ADDITIONAL INFORMATION (accompanies this Form):</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> | |
| <p>IV. DECLARATION I hereby declare that all the information given above are true and correct.</p> <p>Signature:</p> <p>Date:</p> | |

- | | |
|---|--|
| <p>APPLICATION FOR RENEWAL OF REGISTRATION OF A GEOGRAPHICAL INDICATION [Subregulation 29A(1)]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p> | <p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Date of fees received:</p> <p>Amount:</p> <p>Applicant's or agent's file reference</p> |
| <p>Geographical Indication No:</p> | |
| <p>Class:</p> | |
| <p>I/We/Agent of—</p> <p>hereby apply to renew the above registration. Renewal fee is enclosed herewith. (Cheque/ Cash)</p> <p>Signature: Proprietor</p> <p>..... Agent</p> <p>Date :</p> <p>Note:</p> <ul style="list-style-type: none"> - If the agent is newly appointed, please file Form GI 2. - A letter of authority shall be attached if the applicant is other than the registered proprietor or the agent. - A representation of the mark shall accompany the application. | |

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| <p>APPLICATION FOR LATE RENEWAL OF REGISTRATION OF A GEOGRAPHICAL INDICATION [Subregulation 29C]</p> <p>TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia</p> | <p>For Official Use:</p> <p>Date of receipt by Central Geographical Indications Office:</p> <p>Date of fees received:</p> <p>Amount:</p> <hr/> <p>Applicant's or agent's file reference</p> |
| <p>Geographical Indication No.:</p> | |
| <p>Class:</p> | |
| <p>I/We/Agent of—</p> <p>hereby apply to renew the above registration. Late renewal fee is enclosed herewith. (Cheque/ Cash)</p> <p>Signature: Proprietor</p> <p>..... Agent</p> <p>Date :</p> <p>Note:</p> <ul style="list-style-type: none"> - If the agent is newly appointed, please file Form GI 2. | |

CENTRAL GEOGRAPHICAL INDICATIONS OFFICE MALAYSIA
GEOGRAPHICAL INDICATIONS REGISTRY

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|--------------|
| GI 19 |
|--------------|

GEOGRAPHICAL INDICATIONS ACT 2000
GEOGRAPHICAL INDICATIONS REGULATIONS 2001

| | |
|---|---|
| APPLICATION FOR RESTORATION OF REGISTRATION OF A GEOGRAPHICAL INDICATION [Subregulation 29E] | For Official Use: Date of receipt by Central Geographical Indications Office: Date of fees received: Amount: |
| TO: The Registrar of Geographical Indications Central Geographical Indications Office Kuala Lumpur, Malaysia | Applicant's or agent's file reference |

Geographical Indication No.:

Class:

I/We/Agent
of—

hereby apply to restore the above registration. Form GI 18 and the late renewal fee are also enclosed herewith.
(Cheque/Cash)

Signature: Proprietor

..... Agent

Date :

Note:

- If the agent is newly appointed, please file Form GI 2.

Made 4 July 2013
[KPDNKK (MYIPO); PN(PU2)618]

DATO' HAJI HASAN BIN MALEK
Minister of Domestic Trade Co-operatives and Consumerism