

COMPUTERIZATION SYSTEM IN INTELLECTUAL PROPERTY DIVISION (IPD) MALAYSIA

1. INTRODUCTION

1.1 The Intellectual Property Division (IPD), of the Ministry of Domestic Trade and Consumer Affairs is responsible with the task of providing a suitable infrastructure for intellectual property protection which is crucial in the promotion and development of indigenous innovations.

1.2 The enhancement of the intellectual property system is an ongoing process and in tandem with Malaysia's economic progress and globalization. In this context, international organizations such as The World Intellectual Property Organization (WIPO), the European Patent Office (EPO) as well as the Japan Patent Office (JPO) have made invaluable contributions towards upgrading existing Intellectual Property Division.

2. BEGINNING OF COMPUTERISATION

2.1 The computerization of the IPD was initiated in 1984 beginning with services for trade marks in the form of an electronic register. On-line and off-line queries and updating of information in the database was made possible. The database includes trade marks registered from the 1950's and new trade marks applications are entered on-line to the database with the use of 19 on-line terminals. A word mark search system has also been developed and its use has greatly enhanced the examination process.

2.2 The trade marks computer system was originally developed on an IBM/ES and later installed on an HP/9000/847. The initial computerization programme did not include the digitalization of the figurative elements of trade marks or device marks. As for patents, the computerization of the administrative procedures for the granting of patents was initiated in 1992. However, the system has been developed in a PC-based environment containing bibliographic information from 1986.

2.3 These systems are unable to cope with the rapid expansion of the IPD and the sharp increase in the number of trade marks and patents applications. The flowchart of registration procedures summarize the progress of the applications for patent, trademark and industrial design as shown in Annex B1, B2 and B3 respectively.

2.4 Problems encountered in the running of the systems are due to inadequate equipment in the IPD office in Kuala Lumpur and regional offices ; limited search capabilities where automated image search system is not available ; and the system is not being integrated.

3. PANTAS SYSTEM

3.1 In view of these shortcomings, the IPD initiated a modernisation programme for the administration of trade marks and patents procedures, known as PANTAS (*Patents and Trademarks Automated System*). This programme is intended to enhance the capability of the office in providing a more efficient trade marks and patents services that is responsive to users need by establishing a modern and complete computerized administration system including network linkages to all of the Intellectual Property Division officers. The system would enable the promotion of orderly marketing of goods and services for industrial expansion by establishing a user oriented trade marks or patent information services, and also a more efficient research and development in Malaysia.

3.2 On December 1995, the Government awarded the project PANTAS to a local computer company. The Ministry has commissioned the use of 'Common Software (CS)' from the EPO to be included as part of the implementation of the project. It was implemented by the local company in collaboration with a foreign company, SWORD from Paris in providing the technical knowledge in the development of the administrative system of CS. The CS technology owned by the European Patent Office and the European Commission, which customization work was carried out in order to suit requirements at the Intellectual Property Division.

3.3 The main objectives of the project are fully computerization of the administration of trade marks and patents, including networking with the other two regional offices, and also the implementation of new procedures arising from the revision of the trademarks and patents legislation.

3.4 Four main components of the PANTAS System are :

3.4.1 Common Software (CS) - CS supports the whole trademark and patent administrative procedure from filing to the registration of the applications. It records the status of the applications, making it possible to find out the stage of applications and the Sections dealing with it. It thus eases the work of the formalities staff at each stage of the procedure. It is the main source of information to serving as the basis for the official Register intended for public consultation.

3.4.2 Figurative Search System (FSS) - FSS is a module capable of scanning paper-based records of registered marks containing figurative elements, as well as pending applications for such types of marks. It will store the scanned images in a special database in accordance with WIPO-prescribed graphical standard. Search operations can be performed on this database, to retrieve the desired images using the Vienna and Nice Classification codes. This system was commissioned by the World Intellectual Property Organisation (WIPO) in the framework of the ECAP programme funded by the European Commission.

3.4.3 Verbal Search System (VSS) - VSS is primarily used by patents or trademarks examiners to perform text or word search on the patents or trademarks database. Types of search include prefix, suffix, phonetics, stem word, and dates.

3.4.4 Workflow & Imaging System - This system will use the administrative data in CS together with all documents in a given file. These will then be transformed on entry into images stored on optical discs where they can be easily retrieved and viewed on a terminal.

3.5 At present, more than 100 users including two branch offices are using the PANTAS system for processing, examination and registration for both trademarks and patents applications. There are more than 350,000 records on trademark and more than 50,000 records on patent, are stored on the database. The configuration of the PANTAS system is as shown in Annex C.

3.6 As regards to the industrial design system, it was newly introduced in September 1999 and all the administration processes are handled manually.

3.7 The budget allocated annually for the maintenance of the PANTAS system is about RM 1.3 millions. For any additional equipment or computers could be acquired which allocated under the management budget.

3.8 The Information Technology Division (IT) is responsible on the operations and maintenance of the computerization in IPD, which are supported by four technical staff including a system analyst and a programmer. The organization chart of the IT Division of this Ministry is as shown in Annex A.

4. CURRENT SITUATION

4.1 The IPD is undertaking a project to scan about 400,000 records of trademark and patent applications, and would be completed by next year. The IPD has already captured on new applications on the system and now regularly used in both search and examination.

4.2 The Ministry has already issued a tender specification on a project for an extension of the PANTAS system in providing the 'online filing' and 'online search' for patents and trademarks via internet. This would enable the public and agents to file the patent and trademark applications, and perform searches from their offices or homes. This project would be implemented once a successful contractor has been awarded in April 2002.

4.3 Under the ECAP programme, the Intellectual Property Division (IPD) has commissioned the use of the Common Software (CS-MYv1b) version 1.0b as part of the implementation of PANTAS. The European Patent Office (EPO) has given fully support and assistance on the technical expertise, funding and training until the completion and fully operating of PANTAS. At present, EPO has already developed the CS version 3 (CSv3) which includes additional features such as electronic filing, the PCT applications, the word & figurative marks search, etc. EPO has agreed to provide an assistance on the upgrading of the existing CS-MY to the CSv3.

5. FUTURE PLAN

5.1 WIPONET is the global information network established by the World Intellectual Property Organization (WIPO). The major function is to provide electronic connectivity to intellectual property offices worldwide and facilitate the rapid exchange of data between these offices. It will provide many services, and one of them is the electronic filing of PCT applications; whereby the PCT receiving offices must have adequate network connectivity to support electronic filing efforts by

the applicant. It also requires the secured transmission of text and image data, as PCT applications contain confidential information. Thus, the lack of experienced personnel in the IPD has posed a challenge to automate the procedures in order to provide the linkages to WIPONET using more advance and modern information technologies.

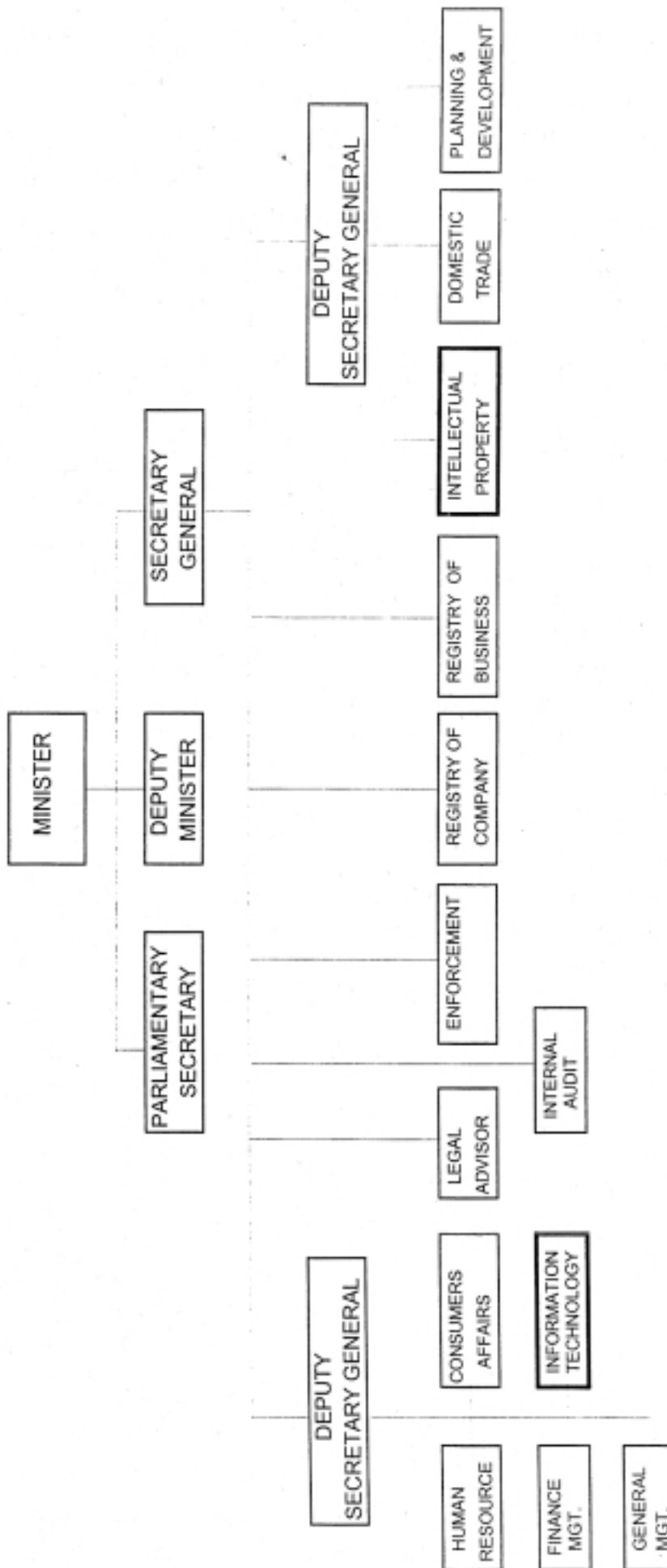
6. INTELLECTUAL PROPERTY LAWS

6.1 The intellectual property system in Malaysia covers the following areas :

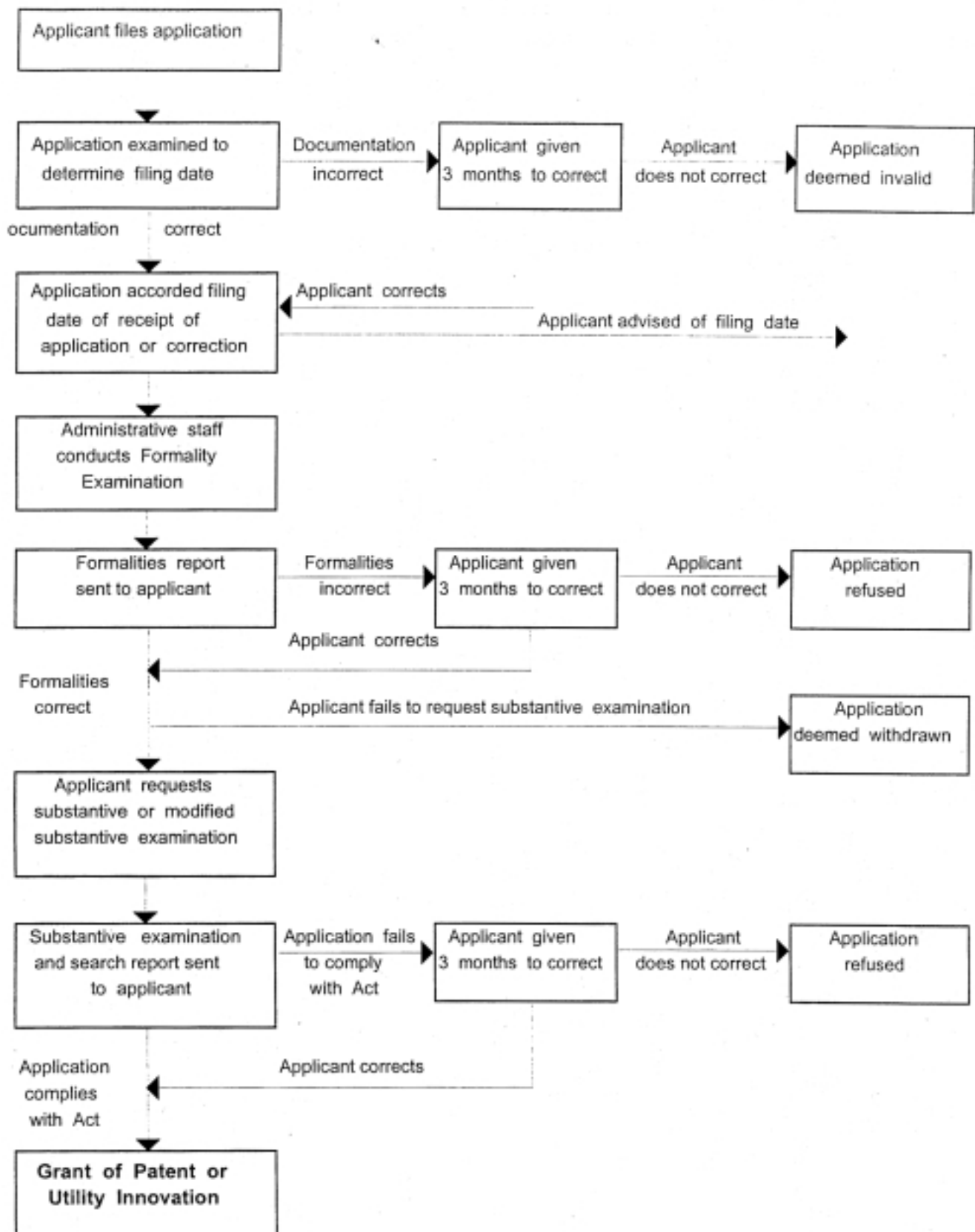
- i. Trade Marks Act 1976.
- ii. Patents Act 1983.
- iii. Industrial Designs Act 1996.
- iv. Copyright Act 1987.
- v. Layout Designs of Integrated Circuit Act 2000
- vi. Geographical Indications Act 2000.

6.2 The recent international trends on the issue of Trade Related Aspects of Intellectual Property Rights (TRIPS) and the multilateral principles on harmonisation of intellectual property laws, the IPD has endeavoured to modernise the intellectual property system including the legislative reform which the amendment of the laws were made in year 2000.

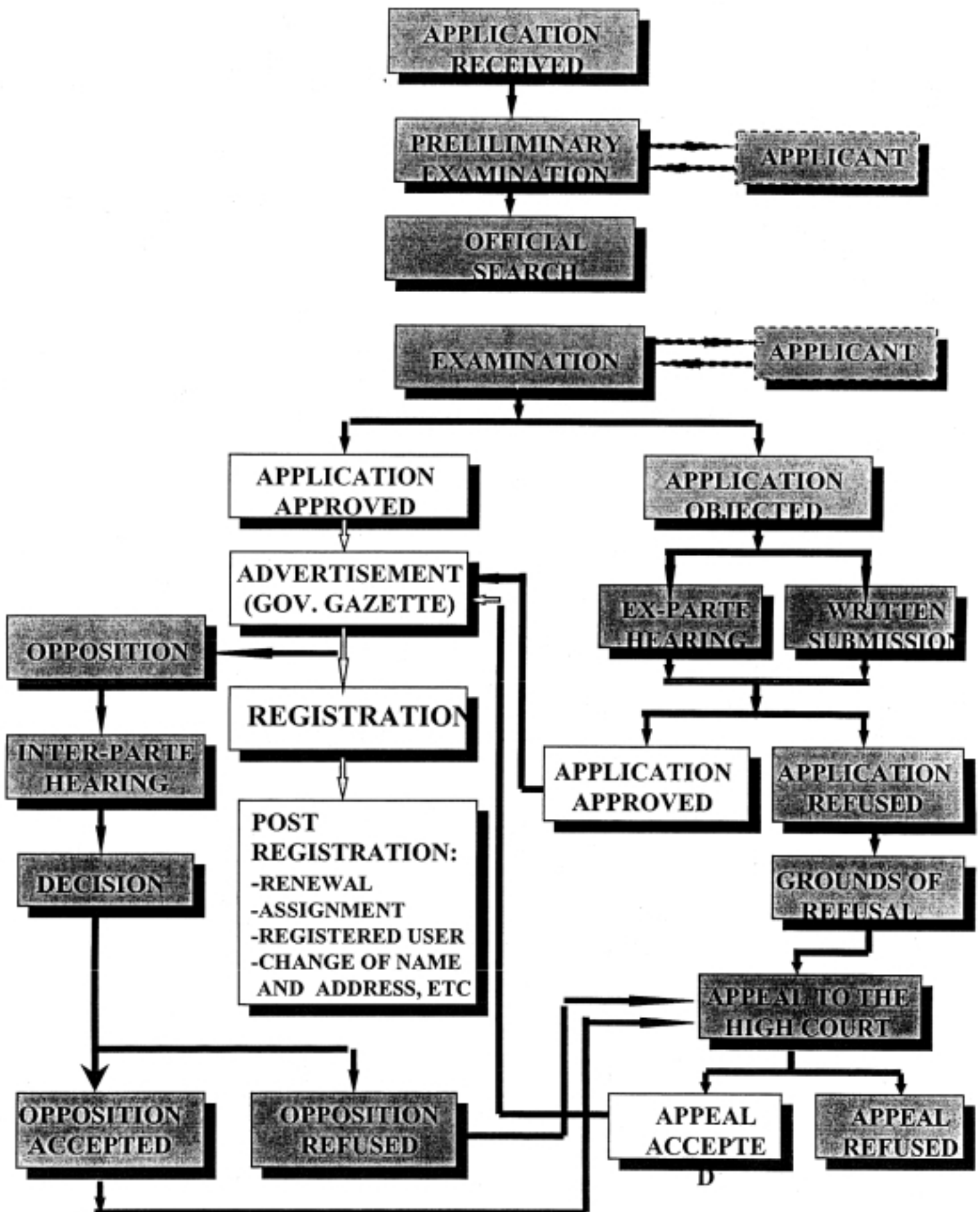
MINISTRY OF DOMESTIC TRADE AND CONSUMER AFFAIRS, MALAYSIA
ORGANISATION CHART



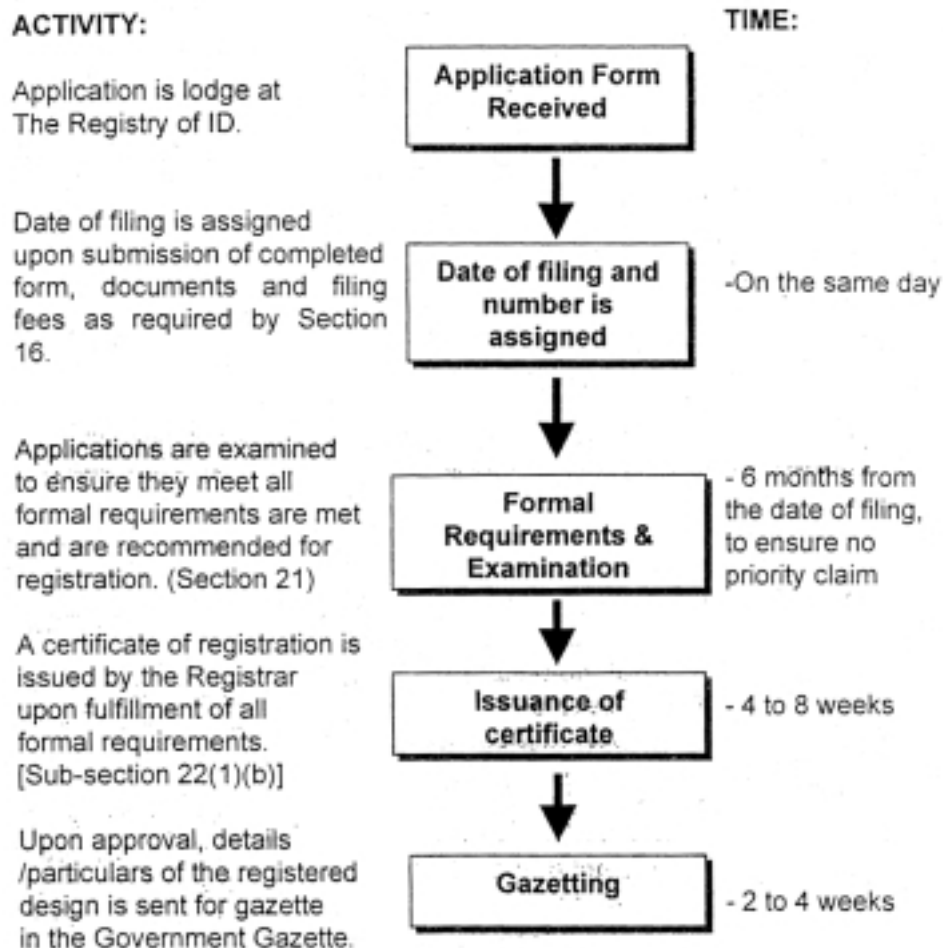
PATENTS AND CERTIFICATE FOR UTILITY GRANTING PROCEDURE



TRADE MARKS APPLICATION PROCEDURE



C. FLOW CHART OF FILING AN APPLICATION



PANTAS

(Patent And Trademark Automated System)
INTELLECTUAL PROPERTY DIVISION

