

INTELLECTUAL PROPERTY SERIES

PATENT LAW IN MALAYSIA

Cases and Commentary

Second Edition

Ida Madieha bt Abdul Ghani Azmi

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SWEET & MAXWELL



This book provides a full and authoritative analysis of cases, both local and international, on issues concerning patents, as well as a thorough review of important recent developments in the field of patent law.

Structured in 12 chapters, the book is replete with essential and analytical information on patent law. Each topic is introduced by a helpful overview before key cases are presented. These local and international cases on patent law have been carefully selected and are complemented by copious commentaries to elucidate on the wide range of issues that arise. The commentaries, which are enlightening, thought-provoking and insightful, assist the reader to have an in-depth and critical understanding of patent law.

Key features

- Clear overview of the law
- Careful selection of cases
- Illuminating analysis and commentary of cases
- Materials derived from Malaysia and foreign jurisdictions
- Revised chapter structure for better organisation of subject matter
- New chapter on Traditional Knowledge

ABOUT THE AUTHORS

Ida Madieha bt Abdul Ghani Azmi pursued her LLB at the International Islamic University Malaysia (IIUM) from 1985–1989. After being called to the Bar in 1990, she proceeded with her LLM at the University of Cambridge, followed by PhD at Queen Mary and Westfield College, London. Currently she serves as a Professor of Law at the Civil Law Department, International Islamic University Malaysia.

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Foreword

I have the pleasure to write this foreword for *Patent Law in Malaysia*. This second edition is a long awaited revision of the first edition published in 2003. Within the IP field over the 12 years since 2003, there have been tremendous developments impacting Malaysia's patent environment. This current edition includes new materials, encompassing methods of medical treatment, biotechnology, computers, employee's invention, traditional knowledge and others, which will provide fresh impetus for judicial consideration, in particular, on the patentability requirement as practised in Malaysia.

IP is, without doubt, a driving force in achieving scientific and technological advances in the 21st century. Global economies driven by innovations have continued to invest in IP activities as an engine of growth. Under Malaysia's New Economic Model (NEM), one objective is to generate economic progress through innovation. Industrialised countries are leaders in innovation on the basis of patent leadership and, of course, commercialisation success. According to WIPO, patent applications have surpassed 2.5 million in 2013 alone. In Malaysia, similar growth trend in patenting can be observed. Since 1986 until April 2015, a total of 54,119 applications, granted patents and utility innovations have been issued by MyIPO.

The stratospheric value of patent research and development, funding, and commercialisation has also changed the patent litigation fabric, a fact the Judiciary has taken cognizance of. In 2007, the Judiciary set up the first Intellectual Property Courts (IP Courts) to specifically address IP cases, and thereby reduce overall case backlog. Today, case backlog associated with IP matters is unheard of. In the words of Tun Arifin Zakaria: "... *justice cannot be achieved if it takes too long or it is too expensive for people to have resort to it.*"

This second edition, presented in an easy and concise approach, will enhance industrial understanding on the significance of patent law and its economic impact on sustainable innovations in Malaysia. In many ways, it will enhance the pick-up rate in Research, Development and Commercialisation (R, D & C), and supplement the broader implementation of the Intellectual Property Commercialisation Policy 2009 (MOSTI), the National Capacity Building for Technology Transfer Office Program 2009, the National Intellectual Property Policy

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Contents

<i>Foreword</i>	<i>v</i>
<i>Preface</i>	<i>vii</i>
<i>About the Authors</i>	<i>ix</i>
<i>Table of Cases</i>	<i>xv</i>
<i>Tables of Statutes</i>	<i>xxi</i>
Chapter 1	
Patent Law in Malaysia	1
Introduction and scope of chapter	1
Nature of patents	1
Historical origin	1
The evolution of the law	3
What is a patentable invention?	7
Types of patents	7
Process patents	7
Product patents	8
The patent application and procedure for grant	8
Patent Cooperation Treaty	15
Procedure of PCT applications	16
International developments	18
Utility innovations	19
Chapter 2	
Novelty	23
Introduction and scope of chapter	23
The function of novelty in patentability	23
Prior art	24
Disregarded prior disclosure	25
Chapter 3	
Inventive Step and Industrial Application	69
Introduction and scope of chapter	69
The concept of inventive step	69
Prior art	70
Test of obviousness	71
Person skilled in the art	73
Sum of knowledge	76
Indicators of inventive step	76

	Analysis of Step 3: The "subject matter" factor	211
	Analysis of Step 4: Technical character.....	211
	Business method patents in the United States	226
	E-commerce patents.....	227

Chapter 7

Non-Patentable Subject Matter: Methods of Medical Treatment by Surgery or Therapy and Diagnostic Methods

	255
	Introduction and scope of chapter.....	255
	Methods of medical treatment	256
	Comparison with the position in the UK and the EU.....	257
	Methods of surgery.....	260
	Methods of therapy.....	261
	Diagnostic methods.....	263
	Products used in medical treatment.....	265
	First medical use.....	265
	Second and further medical use.....	269
	Second medical use.....	271

Chapter 8

Infringement of Patents

	281
	Introduction and scope of chapter.....	281
	General statutory provisions on infringement	281
	Construction of claims for the purpose of determining infringement	282
	Approaches in construing claims	284
	The Malaysian practice in the construction of claims	288
	The <i>Improver</i> Questions	310
	Product obtained directly from process	337
	Process patents and presumption of infringement.....	337
	Importation of patented product	345
	Rights of licensee: can licensee initiate an infringement proceeding on behalf of the patent owner?	347

Chapter 9

Limitation of Rights, Exceptions and Defences.....

	351
	Introduction and scope of chapter.....	351
	Exceptions to infringement.....	351
	Scientific research	352
	Regulatory approval exception.....	354
	Acts in respect of products placed in the market by the patent owner.....	355
	Parallel imports	356
	Use of patented invention on foreign transportation exception	362

Inventive step: whether obvious to the person skilled in the art	80
Industrial application	122
Chapter 4	
Non-Patentable Subject Matter: Discoveries, Scientific Theories & Mathematical Methods	125
Introduction and scope of chapter	125
Non-patentable inventions	126
Excluded subject matter in the UK	127
Discoveries and scientific theories	128
Mathematical methods and computer-related inventions	136
UK position	138
Computer games	158
Chapter 5	
Non-Patentable Subject Matter: Plant or Animal Varieties, Essentially Biological Processes for the Production of Plants or Animals, etc	165
Introduction and scope of chapter	165
Plant varieties	165
What is a "plant variety" ?	168
Animal variety and genetically modified animal	171
Essentially biological processes and microbiological processes	176
Man-made living micro-organisms, microbiological processes and products of such micro-organism processes	179
Micro-organisms	180
Discovery in the domain of biotechnology	181
Obviousness involving biotechnological inventions	183
Insufficiency of disclosure	185
"Product by process" claim	187
Contrary to <i>public ordre</i> or morality	189
Human cells	192
Human body, human embryo	193
Biotechnological inventions	199
Chapter 6	
Non-Patentable Subject Matter: Schemes, Rules or Methods for Doing Business, Performing Purely Mental Acts or Playing Games	207
Introduction and scope of chapter	207
Business method patents	208
Business method patents in the United Kingdom	208
The <i>Aerotel/Macrossan</i> test	210
Analysis of Step 2: The "contribution" factor	211

Rights limited to duration of patent.....	362
Compulsory licences	362
Government use	366
Anti-competitive grounds	367
Prior manufacture or use	369
Chapter 10	
Employee Inventions.....	373
Introduction and scope of chapter.....	373
Inventions in employment.....	373
Who is an employee?	374
Made in the performance of a contract of employment.....	376
Commissioned work.....	376
Economic value much greater than anticipated	377
Government employee inventions	377
United Kingdom and employee inventions.....	378
Compensation of employees for certain inventions	381
Syariah perspective	407
Chapter 11	
Invalidation of Patents.....	409
Introduction and scope of chapter.....	409
Invalidation.....	409
Aggrieved person.....	410
Grounds for invalidation	411
Non-compliance of description or claim	412
Invalidation of patents – invention not novel.....	415
Invalidation of patents – insufficiency of disclosure	487
Chapter 12	
Traditional Knowledge.....	495
Introduction and scope of chapter.....	495
Malaysia: National Policy on Biological Diversity	496
TRIPS Agreement.....	497
The interface between the TRIPS Agreement and the Convention on Biological Diversity	499
United Nations Declaration on the Rights of Indigenous Peoples	500
International Treaty on Plant Genetic Resources for Food and Agriculture	501
National legislative effort in traditional knowledge.....	502
US case studies relating to traditional knowledge-related inventions.....	505
Index	529