PATENT LAW IN MALAYSIA

Cases and Commentary
Second Edition

Ida Madieha bt Abdul Ghani Azmi
Jeong Chun Phuoc

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**

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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 Ariffin 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.
About the Authors

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