



# **LAWS OF MALAYSIA**

**Act A1140**

**INDUSTRIAL DESIGNS (AMENDMENT) ACT 2002**

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**LAWS OF MALAYSIA****Act A1140****INDUSTRIAL DESIGNS (AMENDMENT) ACT 2002**

An Act to amend the Industrial Designs Act 1996.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

1. (1) This Act may be cited as the Industrial Designs (Amendment) Act 2002.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

**Amendment of section 3**

2. The Industrial Designs Act 1996 [*Act 552*], which in this Act is referred to as the “principal Act”, is amended in subsection 3(1)—

(a) by inserting after the definition of “legal personal representative” the following definition:

‘ “Minister” means the Minister for the time being charged with the responsibility for intellectual property;’;

- (b) by substituting for the definitions of ‘ “Registrar”, “Deputy Registrar” and “Assistant Registrar” ’ the following definition:

‘ “Registrar” means the Registrar of Industrial Designs as designated in subsection 4(1);’;

- (c) by inserting after the definition of “article” the following definition:

‘ “Assistant Registrar” means the person appointed or deemed to have been appointed to be an Assistant Registrar under subsection 4(2) or (3);’;

- (d) by inserting after the definition of “convention country” the following definition:

‘ “Corporation” means the Intellectual Property Corporation of Malaysia established under the *Act 617* . Intellectual Property Corporation of Malaysia Act 2002;’;

- (e) by inserting before the definition of “article” the following definition:

‘ “appointed date” has the same meaning as is assigned to that expression in the Intellectual Property Corporation of Malaysia Act 2002;’; and

- (f) by inserting after the definition of “Court” the following definition:

‘ “ Deputy Registrar” means the person appointed or deemed to have been appointed to be a Deputy Registrar under subsection 4(2) or (3);’.

**Amendment of section 4**

**3.** The principal Act is amended by substituting for section 4 the following section:

“Registrar,  
Deputy  
Registrars  
and  
Assistant  
Registrars. 4. (1) The Director General of the Corporation shall be the Registrar of Industrial Designs.

(2) The Corporation may appoint, on such terms and conditions as it may determine, from amongst persons in the employment of the Corporation, such number of Deputy Registrars of Industrial Designs, Assistant Registrars of Industrial Designs and other officers as may be necessary for the proper administration of this Act, and may revoke the appointment of any person so appointed or deemed to have been so appointed under subsection (3).

(3) The persons holding office as Deputy Registrars, Assistant Registrars and other officers under this Act before the appointed date who were given an option by the Government of Malaysia to serve as employees of the Corporation and have so opted shall on the appointed date be deemed to have been appointed as Deputy Registrars, Assistant Registrars and such other officers under subsection (2).

(4) Subject to the general direction and control of the Registrar and to such conditions or restrictions as may be imposed by the Registrar, a Deputy Registrar or an Assistant Registrar may exercise any function of the Registrar under this Act, and anything by this Act appointed or authorized or required to be done or signed by the Registrar may be done or signed by any Deputy Registrar or Assistant Registrar and the act or signature of a Deputy Registrar or an Assistant Registrar shall be as valid and effectual as if done or signed by the Registrar.

(5) The Registrar shall have a seal of such device as may be approved by the Corporation and the impressions of such seal shall be judicially noticed and admitted in evidence.”.

**Amendment of section 5****4.** Section 5 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) An Industrial Designs Registration Office and such number of branch offices of the Industrial Designs Registration Office as may be necessary for the purposes of this Act shall be established.”; and

(b) by deleting subsections (2) and (3).

**Amendment of section 8**

**5.** Subsection 8(1) of the principal Act is amended by substituting for the words “as the Minister may by regulations prescribe” the words “and in accordance with such conditions as may be prescribed”.

**Saving provision**

**6.** The amendments to the principal Act shall not affect any application for registration of an industrial design or registration of an industrial design, as the case may be, made under the principal Act before the appointed date and the amended provisions shall apply to the application or registration, as the case may be, as if the provisions had not been so amended.