

タイトル	提出先	発信日
マレーシア意匠法改正の意見募集	マレーシア知的財産公社	2022年4月21日

To: Intellectual Property Corporation of Malaysia (MyIPO)

Re: Proposed Provisions of and Amendments to
the Industrial Designs Act 1996 [Laws of Malaysia, Act 552]

We the Japan Automobile Manufacturers Association [JAMA] are the automotive industry association of 14 companies manufacturing passenger cars, buses, trucks and/or motorcycles around the world. We are grateful for the constant and sustained support that you have given to the automotive industry.

The Intellectual Property Subcommittee of JAMA conducts research into issues and plans measures related to intellectual property [IP] both inside and outside of Japan. In step with the globalization and overseas production of the automotive industry, JAMA-member companies recognize the growing importance of IP application in each of the country or region where their vehicles are manufactured. Accordingly, we have organized our IP Subcommittee to acquire and utilize IP rights more effectively and efficiently everywhere in the world.

In this connection, we at JAMA would like to submit our comment on the proposed provisions of and amendments to the Industrial Designs Act 1996 [Laws of Malaysia, Act 552], as follows:

- (1) Since spare parts involve the creation of designs to achieve their desired appearances and functions, we request that the entire provisions of Article (1)(b)(ii) of Act 552 be deleted in order to have the IP rights for spare parts protected in the same way as parts for non-automotive products.**

As our longstanding practice, automobile manufacturers have injected much labor and expense into managing our spare parts stock in high quality. If the protection of design rights for spare parts is weakened, however, there will be increased incidence of spare parts existing in the marketplace without the proper management of their qualities. This will bring problems in two areas:

In the environmental area, spare parts replacement will become more frequent due to the poor durability of ill-managed spare parts, which will increase CO2 emissions from vehicles in use. In the safety area, an increasing percentage of spare parts will enter the marketplace with taking the necessary safety and durability tests, resulting in the decrease of safety for vehicle users.

Of course, we the automobile manufacturers hope to reduce CO2 emissions and enhance consumer safety through the use of environmentally friendlier and safer spare parts.

- (2) We therefor request the introduction of a deferment scheme for the publication of filed applications in the official journal — a deferment by about 30 months from the date of filing. Additionally, we hope that this scheme will enable the applicant to cancel the deferment or change the length of deferment midway through the current deferment period.**

We, JAMA, hope to see the above deferment scheme introduced in your country, with a maximum deferment period of about 30 months (depending on the applicant's request) after the fashion of the EUIPO design registration system. In addition we request that, under this deferment scheme, the applicant be allowed to

cancel the deferment or change the termination date of the deferment period midway through the current deferment period.

This is because, when filing an application simultaneously to multiple countries permitting deferment periods of various lengths, we are forced to delay the filing of the basic application in order to time the filings with the country setting the shortest deferment period since we want to minimize the risks of losing design novelty by an unforeseen mass media scoop.

(3) Finally, we request MyIPO to disclose your similarity judgment criteria so that the objectivity of Malaysian design patent examination can be enhanced.