



# LAWS OF MALAYSIA

**Act A1649**

**PATENTS (AMENDMENT) ACT 2022**

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# LAWS OF MALAYSIA

## Act A1649

### PATENTS (AMENDMENT) ACT 2022

An Act to amend the Patents Act 1983.

[ ]

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

#### **Short title and commencement**

1. (1) This Act may be cited as the Patents (Amendment) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

#### **General amendment**

2. The Patents Act 1983 [*Act 291*], which is referred to as the “principal Act” in this Act, is amended—

(a) by substituting for the word “*Gazette*” wherever appearing the words “Official Journal” except in section 1; and

(b) by substituting for the words “prescribed time” wherever appearing the words “prescribed period”.

**Amendment of section 3****3. Section 3 of the principal Act is amended—**

(a) by inserting after the definition of “Corporation” the following definition:

‘ “Council for TRIPS” means the council established under the TRIPS Agreement;’;

(b) by inserting after the definition of “filing date” the following definitions:

‘ “International Depository Authority” means a depository institution which has acquired the status of international depository authority under the Budapest Treaty;

“micro-organism” means any organism of microscopic size and parts of an organism of microscopic size, including sterile organism, virus and viroid;’;

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

‘ “Official Journal” means the Intellectual Property Official Journal published by the Registrar under section 86A;’;

(d) by inserting after the definition of “patented product” the following definition:

‘ “pharmaceutical product” means—

(a) any patented product; or

(b) any product manufactured through a patented process,

of the pharmaceutical sector that includes active ingredient necessary for its manufacture and diagnostic kit needed for its use;’;

(e) by inserting after the definition of “Registrar” the following definition:

‘ “resident” includes—

(a) a citizen of Malaysia who is residing in Malaysia;

(b) a non-citizen of Malaysia who—

(i) has obtained permanent resident status in Malaysia and is ordinarily residing in Malaysia;  
or

(ii) is residing in Malaysia by virtue of a valid pass lawfully issued to him under the Immigration Act 1959/63 [*Act 155*] to enter and remain in Malaysia;

(c) a body corporate incorporated, established or registered under any written law in Malaysia other than a foreign company;  
or

(d) an unincorporated body established or registered under any written law in Malaysia;’;

(f) in the definition of “right”, by substituting for the full stop at the end of that definition a semicolon; and

(g) by inserting after the definition of “right” the following definition:

‘ “TRIPS Agreement” means the Agreement on Trade-Related Aspects of Intellectual Property Rights set out in Annex 1C to the Agreement Establishing the World Trade Organization.’.