
TRADE MARK PROCEDURE 商标注册程序

- To conduct an unofficial search before filing the application so as to avoid the question of similarity. The search could take at least 5-working days to receive the results.

进行非正式商标查询确定当中是否有任何相同或近似的在先商标存在。五天工作日内将完成查询结果。
- After the search completed, an application of trade mark can be filed within the next working day provided all required documents and information are furnished sufficiently. The filing of an application does not guarantee registration even though the search has been conducted.

一旦查询工作已完成, 如所需资料 and 文件办妥便可在隔天向商标注册局提交申请。特别提醒的是, 虽然商标查询可以获知是否有任何相同或近似的在先商标存在, 但并非表明您的申请肯定可获得注册。
- After the lodgment of an application, the Registry will allocate a filing number to the application. This number is important as it establishes the priority of the application allotted application number.

确立申请日十分重要, 由于我国商标注册采用申请在先原则, 一旦发生申请日的先后成为确定商标权的法律依据, 商标注册的申请日以商标局收到申请文件的日期为准。
- The Registry will deliver a preliminary examination report within 12-18 months (for normal track application) to see whether the mark is registrable in accordance with the Trade Mark Acts.

一般商标申请, 商标注册局将会在 12-18 个月内审阅该申请, 确保该申请符合商标条例的相关规定。
- Under Trade Mark (Amendment) Regulations 2011, applicants can now expect to secure the trade marks registration within 1 year through a fast track process, i.e expedited examination by paying additional expedition fee along with reason (eg. due to infringement or for government grants application. If the request is rejected or unfavorable decision raised by the Registrar, the application will be back to normal processing.

根据商标规则 2011 年商标修改, 申请者可要求加快审查进程, 缩短商标注册周期在 1 年完成。加快审查需交纳快审查费并说明请求加快的理由 (理由可以是发现有人仿制和使用或申请政府资金)。如加快审查被拒绝或审查官发出反对通知书或其他信件要求回复或更改, 商标申请就依照一般处理程序。
- Once an application is accepted, the application will then be accepted for advertisement in Malaysian government gazette if there are no conflicting marks or provided the application satisfy the requirements of the Act and the Rules.

一旦商标申请经审阅后没有问题, 确定没有与其他商标发生冲突及符合法律规定的注册条件, 它则会在政府宪报刊登该商标注册的公告。
- The trade mark concerned will further proceed to registration if no opposition is filed within the statutory opposition period of two months from the date of advertisement. 任何人于公告刊登后的两个月内可以提出反对有关商标的注册申请。反之如没有收到任何反对, 商标注册局就会正式进行注册。
- The Certificate of Registration will be valid for a period of ten years from the date of application and may be renewed for successive periods of ten years on payment of a renewal fee.

大马商标法规定, 注册商标有效期为十年, 自核准申请之日起计算。有效期满前可以申请续展注册, 每次续展注册的有效期为十年。
- The whole registration procedures for normal track application will normally take approximately 18 months. As to fast track application will take approximately 1 year.

根据目前商标局审查的惯例, 一般商标申请的程序是非常顺利的情况, 整个注册过程一般约需 18 个月。加快进程申请需大约 1 年。

Remarks: In the event of discrepancy between the English and Chinese languages on this document, the English version will prevail 备注: 如以上英文及中文之翻译版本解释生差异者, 该以英文为主